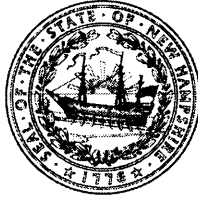

JOURNAL
OF THE
SENATE

SESSION
OF
2011

STATE OF NEW HAMPSHIRE



ORGANIZATION DAY

December 1, 2010

The Honorable Tammy L. Wright, Clerk of the Senate, called the Senate to order at 10:00 a.m.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following remarks and prayer:

I will let you in on a little theological secret that many people don't know about. Do you know those passages in scripture where everybody begats everybody else? Joseph begats Isaac and Isaac begats Jacob, and so on and so forth. And, people in the pews sort of sit there and start rolling their eyes, and the readers start muffling a snicker, and it goes on for ages. And, people wonder, 'What is that place for?' Those begats, those long lists of begats, mark a place; they're a place-marker. They say that whatever follows that is extremely important.

The reason I mention this is because that's how God works, by gathering together a group of people who are a community – whether they're a community through the past, or whether they're a community in the present. You've been gathered together by the process through which you've been working, and now you're a community. And, the important thing now is to remember that as you work, and whatever religious tradition you're from, whatever God or force assists you, that you're being gathered together to work not as individuals, but as a body, working together, trusting and vulnerable with each other. Let us pray.

God of all changelessness, be present in this new body and in this new potential for new leadership. Be present amongst us as we work to improve the lives of the people of New Hampshire, whom You love so desperately.
Amen.

Sen. Gallus led the Pledge of Allegiance.

The Honorable Tammy L. Wright, Clerk of the Senate, called the Roll of the Senate for attendance. There were 24 members present.

OATH OF OFFICE FOR SENATORS

At this time, on the first Wednesday in December, in the year of our Lord, two thousand and ten, being the day prescribed by the Constitution for the legislature of New Hampshire to assemble and the Honorable

John H. Lynch, Governor of the State of New Hampshire, accompanied by the Honorable Executive Council, having come into the Senate chamber, will now subscribe the oaths of office and witness the signing of the oath by each individual Senator, and verify that these are duly qualified as Senators agreeably to the provisions of the Constitution.

GOVERNOR JOHN H. LYNCH: Thank you very much. Good morning, everybody. Could I ask everybody except the State Senators to please have a seat?

First of all, let me say to all of you, congratulations on your election or your reelection; I very much look forward to working with each of you. And, for those of you who don't know me, I'm very accessible; I'm around the State House a lot. So, I am here to help you any way I possibly can, and I mean that sincerely.

So, with that, I'd like to ask you all to raise your right hand.

I, state your name, of the town or city in which you live, do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.

I, state your name, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as State Senator according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the state of New Hampshire. So help me God.

GOVERNOR JOHN H. LYNCH: Congratulations.

WHEREUPON, the Governor and Council witnessed the signing of the oath by each of the following individual Senators, verifying that these are duly qualified as Senators pursuant to the provisions of the New Hampshire Constitution:

District No. 1, John T. Gallus
 District No. 2, Jeanie Forrester
 District No. 3, Jeb Bradley
 District No. 4, Jim Forsythe
 District No. 5, Matthew Houde
 District No. 6, Fenton Groen
 District No. 7, Andy Sanborn
 District No. 8, Bob Odell
 District No. 9, Ray White
 District No. 10, Molly M. Kelly
 District No. 11, Peter E. Bragdon
 District No. 12, Jim Luther
 District No. 13, Gary Lambert
 District No. 14, Sharon M. Carson
 District No. 15, Sylvia B. Larsen
 District No. 16, David Boutin
 District No. 17, John S. Barnes, Jr.
 District No. 18, Tom De Blois
 District No. 19, Jim Rausch
 District No. 20, Lou D'Allesandro
 District No. 21, Amanda Merrill
 District No. 22, Chuck Morse
 District No. 23, Russell Prescott
 District No. 24, Nancy F. Stiles

NOMINATIONS FOR TEMPORARY PRESIDING OFFICER

The Honorable Tammy L. Wright, Clerk of the Senate, stated that nominations for Temporary Presiding Officer are in order.

(The Clerk recognized Sen. Bragdon for a nomination.)

SENATOR BRAGDON: Thank you, Madam Clerk. It gives me great pleasure to nominate as Presiding Officer today the Honorable John T. Broderick, Jr., who many of us know from his role as Chief Justice of the New Hampshire Supreme Court from 2004 until, well, yesterday.

Prior to his appointment as Chief Justice, he had served as an Associate Justice on the Court since his appointment by Governor Merrill in 1995. Though he has retired from the Supreme Court, the Chief Justice will have plenty to do, having been named the new President and Dean of the New Hampshire School of Law.

For the past 15 years, Chief Justice Broderick has used his time and talents on the New Hampshire Supreme Court to make a positive impact on the lives of New Hampshire citizens, an ideal we all strive for as State Senators.

Please join me today in supporting the Honorable John T. Broderick, Jr. as Presiding Officer.

(The Clerk recognized Sen. Larsen for a second.)

SENATOR LARSEN: I rise to second the nomination of the Honorable John T. Broderick. He has served honorably in our state and given great service to our state, and we want to welcome him back to the City of Concord as he leads our new law school.

(The Clerk recognized Sen. Rausch.)

SENATOR RAUSCH: I move the nominations for Temporary Presiding Officer be closed.

Adopted. Chief Justice John T. Broderick, Jr. was elected Temporary Presiding Officer.

The Clerk of the Senate requested Senators Prescott and Larsen to escort the Honorable Chief Justice John T. Broderick, Jr., Temporary Presiding Officer, to the rostrum.

CHIEF JUSTICE BRODERICK: Please be seated. Good morning. I just want to say that I've never had a more important temporary position in my whole life, and I'm grateful for it, and for the invitation to be with you this morning. It's a great personal privilege for me to be here.

NOMINATIONS FOR PRESIDENT OF THE SENATE

The Honorable Chief Justice John T. Broderick, Jr., Temporary Presiding Officer, stated that nominations for the President of the New Hampshire Senate are in order.

(Chief Justice Broderick recognized Sen. Barnes for a nomination.)

SENATOR BARNES: Thank you, Mister Chairman. I nominate the gentleman by the name of Peter Bragdon to be our next Senate President. Senator Bragdon has served well the last two years as the Minority Leader of this Senate. He has done a great job, worked with all sides of the aisle, and I know he's going to continue to work diligently with every one of us in this chamber for the welfare of the people of the State of New Hampshire. And, it is my great pleasure to nominate my friend and yours, Senator Peter Bragdon from the great Town of Milford.

(Chief Justice Broderick recognized Sen. D'Allesandro for a second.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I second the nomination of Peter Bragdon for President of the New Hampshire State Senate. I've worked with Senator Bragdon during his term here in the New Hampshire State Senate, have found him to be very reasonable, very cooperative, and has shown excellent leadership qualities. I think Senator Bragdon is taking control of our Senate at a time when New Hampshire needs strong leadership to bring us forward in this next biennium, and I'm sure that he will do it in a very bipartisan manner, with the good being of the State of New Hampshire his primary goal. Thank you, Mister President.

(Chief Justice Broderick recognized Sen. Forrester.)

SENATOR FORRESTER: I move that the nominations for President of the Senate be closed.

Adopted. The Honorable Peter Bragdon was elected President of the New Hampshire Senate.

The Honorable Chief Justice John T. Broderick, Jr., Temporary Presiding Officer, requested Senators Boutin and Gallus to escort Senator Peter Bragdon, President of the New Hampshire Senate, to the rostrum.

CHIEF JUSTICE BRODERICK: Senator, I've now been retired twice in 24 hours. Congratulations.

PRESIDENT BRAGDON: Thank you very much.

SENATE PRESIDENT'S MESSAGE TO THE SENATE

PRESIDENT OF THE SENATE, PETER BRAGDON: Thank you. Please be seated.

I'm honored today to stand before you, my fellow Senators and friends, to accept the position of Senate President. For this great honor and the opportunity to serve, I am thankful to all of you.

I would like to thank Governor Lynch and the Executive Council for taking time out of an extremely busy schedule this week to participate in today's events.

I would also like to thank Chief Justice Broderick for serving as our Presiding Officer today. As you know, he retired yesterday as Chief Justice of the New Hampshire Supreme Court, the highest position in the Judicial Branch of state government. Today, as presiding officer of the New Hampshire State Senate, he held, for a small window of time, the highest position in the Legislative Branch. Who knows? With a little luck tomorrow, perhaps Governor Lynch can help him get the hat trick.

Of course, I would be remiss if I did not also express my thanks and the thanks of us all to those of our friends and family who are able to join us today in these tight quarters. Your support for us in our endeavors has been crucial, and we ask for your continued support and encouragement over these next two years. Please take a moment and give a round of applause for those friends and supporters and families who are with us today.

My friends and colleagues, we face a very difficult financial challenge in the coming months. I do not think that's much of a matter of dispute. Although campaign season provided a very good opportunity to debate issues related to why we find ourselves in this situation, campaign season is over, thankfully. We must now focus our attention and our efforts on how to address this situation. We must work together to identify our

challenges and work together to craft solutions. The people who elected each of us expect that from us. That is not to say we will always agree on all matters, nor that the people who elected us expect us to always agree on all matters. To paraphrase a former school board member I worked with: "If 24 of us agree with each other all the time, then 23 of us are unnecessary." Rather, the people who elected us expect us to discuss issues and possible solutions in a respectful manner, being willing to listen to our colleagues, those who hold opposing views, and respecting their convictions. After the final votes are cast, each side should know they had a fair chance to present their case. With that in mind, I would like to thank Senator Larsen for her leadership over the past four years. As Minority Leader for the last two years, I can say the minority always had the opportunity to present our case in a process that was fair and open. She has set an example I hope to be able to follow.

For a period of time, as many of you know, I ran a community newspaper in Milford. In my opinion section, I strongly encouraged writers to keep their op-ed pieces to around 600 words, because after that, it becomes hard for the reader to maintain the needed attention level. For the same reason, when I chair Senate committees, I encourage speakers to keep their remarks to three minutes or less – and I hope the lobbyists are listening today. I see that I am in danger of exceeding both my 600-word limit and the three-minute mark, so I will close by saying this: Once again, thanks to you, my Senate colleagues, for allowing me to serve as your Senate President. The challenges before us are daunting, but that will give us even more satisfaction when we look back at all we've accomplished. Thank you very much.

RESOLUTION No. 1

The Honorable Peter Bragdon, President of the New Hampshire Senate, recognized Sen. Bradley for a Resolution.

Sen. Bradley offered the following Resolution:

RESOLVED, that the Rules of the 2009-2010 Session be adopted as the Rules of the 2011-2012 Session, with the changes which have been provided here today in your blue folder, and be it further **RESOLVED** that these Rules may be amended by majority vote for the next three legislative days.

PROPOSED CHANGES TO SENATE RULES

New Rules Format

Senate Rules to appear in a new format.

Amendment to Senate Rule 29

29. Standing Committees.

Amend Senate Rule 29 by replacing with the following:

New Language:

29. The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, the Committee on Education, the Committee on Election Law and Veterans' Affairs, the Committee on Energy, Environment and Economic Development, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules and Enrolled Bills, the Committee on Transportation, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

Old Language:

29. The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, ~~Labor and Consumer Protection~~, the Committee on Education, the Committee on Election Law and Veterans' Affairs, the Committee on Energy, Environment and Economic Development, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules and Enrolled Bills, the Committee on Transportation ~~and Interstate Cooperation~~, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

Amendment to Senate Rule 48

Amend Senate Rule 48 by inserting (b) and (c) with the following:

48. Deadlines:

(b) The Office of Legislative Services shall not draft a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution, unless a request by a member for drafting with complete information has been received not later than 2:00 p.m., Friday, December 10, 2010, for the 2011 Session.

(c) Tuesday, January 18, 2011, at 12:00 p.m. - The Last Day to sign-off legislation for the above filing period.

Adopted.

NOMINATIONS FOR CLERK OF THE SENATE

President Bragdon stated that nominations for Clerk of the Senate are in order.

(The Chair recognized Sen. Larsen for a nomination.)

SENATOR LARSEN: I rise to nominate Tammy Wright as Clerk of the Senate. Tammy has served for the past years in an amazing and capable way in leading us through the parliamentary process. She is a resident of Concord, and I think all of us can trust that she will serve honorably and fairly in her leadership as Clerk of the Senate in recordkeeping and all other matters. I nominate Tammy Wright for Clerk of the Senate.

(The Chair recognized Sen. Barnes for a second.)

SENATOR BARNES: Thank you, Mister President. This is a great pleasure. One of our Pages today is the son of Tammy Wright. And, would you do me a favor, Mr. Page? Would you go up and stand next to your mother?

PRESIDENT BRAGDON: That's not in the script, Jack.

SENATOR BARNES: Mister President, you opened the door.

Tammy has been here – matter of fact, today's her birthday; December 1st is the birthday of her being in the Senate – 21 years Tammy has been in this chamber, as an Assistant Clerk and, eventually, the Clerk. And, her son has never had the opportunity – that's why I asked him to go up there – to be here with her today, because they're pretty special people.

Now, Tammy has worked well with both sides of the aisle over the years; I've seen it from both sides, from the pluses and the minuses, and she has gone out of her way to address all 24 Senators' concerns and be helpful to all of us. And, sometimes it's been difficult sledding, but she has always hung in there and helped us.

And, I'll finalize this by saying it's a great honor to be able to second this, because a good friend of mine used to be the guy that nominated her: Senator Carl Johnson. And, I used to be jealous when Carl would get up and do that. So, Carl, if you're listening from up there, buddy, I'm doing it today. And, I want to say this: Ms. Wright is the right person for this job. Thank you very much.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you. I move that the nominations for our wonderful Clerk, Tammy Wright, for the Clerk of the Senate, be closed. Thank you.

Adopted. The Honorable Tammy L. Wright was elected Clerk of the New Hampshire Senate.

OATH OF OFFICE FOR SENATE OFFICER

President Bragdon duly administered the Oath of Office to the Clerk of the Senate:

PRESIDENT BRAGDON: Please raise your right hand and where appropriate state your name and repeat after me:

I, state your name, do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.

I, state your name, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as, state your position, according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the state of New Hampshire. So help me God.

RESOLUTION No. 2

Sen. Bradley offered the following Resolution:

RESOLVED, that the Secretary of State be requested to furnish the Senate with the official return of votes from the various Senatorial Districts.

Adopted.

The Honorable William Gardner, Secretary of State, appeared and presented the return of votes for State Senators from the various Senatorial Districts, as returned to the Secretary of State's Office from the General Election held November 2, 2010.

WILLIAM GARDNER, SECRETARY OF STATE: Good morning, Mister President, newly elected and reelected members of this Senate. Article 33, Part Second of the New Hampshire Constitution says: "And that there may be a due meeting of senators on the first Wednesday of December, biennially, the secretary of state shall, as soon as may be, examine the returned copy of such records; and fourteen days before the first Wednesday of December, he shall issue his summons to such persons as appear to be chosen senators, by a plurality of votes, and to attend and take their seats on that day."

Well, this is that day. And, the following is the results of the votes cast in each of the State Senate Districts by the citizens of New Hampshire on November 2nd of this year.

COMMITTEE REPORT

The selected committee to whom was referred the various returns of votes for State Senators from the several districts, having attended to

their duties and having examined the returns made to the Secretary of State and the records in the office of said Secretary, report that they filed the state of the vote returned from the several districts as follows:

First District	
John Gallus, r	11,021
Dorothy Solomon, d	<u>6,113</u>
Plurality for Gallus	4,908
Second District	
Jeanie Forrester, r	11,362
Deborah Reynolds, d	<u>9,414</u>
Plurality for Forrester	1,948
Third District	
Jeb Bradley, r	13,716
Beverly Woods, d	<u>7,405</u>
Plurality for Bradley	6,311
Fourth District	
Jim Forsythe, r	11,737
Andrew J. Hosmer, d	<u>7,117</u>
Plurality for Forsythe	4,620
Fifth District	
Matthew Houde, d	11,014
James W. Danforth, r	<u>7,465</u>
Plurality for Houde	3,549
Sixth District	
Fenton Groen, r	9,345
Jackie Cilley, d	<u>7,854</u>
Plurality for Groen	1,491
Seventh District	
Andy Sanborn, r	10,816
Michele L. Tremblay, d	<u>8,887</u>
Plurality for Sanborn	1,929
Eighth District	
Bob Odell, r	12,631
Harold E. Perkins, d	<u>5,688</u>
Plurality for Odell	6,943
Ninth District	
Ray White, r	14,599
Bob Jones, d	<u>7,421</u>
Plurality for White	7,178
Tenth District	
Molly Kelly, d	9,042
Tom Eaton, r	<u>7,742</u>
Plurality for Kelly	1,300
Eleventh District	
Peter Bragdon, r	13,070
Roger H. Tilton, d	<u>7,319</u>
Plurality for Bragdon	5,751

Twelfth District

Jim Luther, r	9,876
Peggy Gilmour, d	<u>8,811</u>
Plurality for Luther	1,065

Thirteenth District

Gary E. Lambert, r	5,886
Bette R. Lasky, d	<u>5,204</u>
Plurality for Lambert	682

Fourteenth District

Sharon M. Carson, r	11,350
Tammy Marie Siekmann, d	<u>5,131</u>
Plurality for Carson	6,219

Fifteenth District

Sylvia B. Larsen, d	12,069
Chris Wood, r	<u>7,496</u>
Plurality for Larsen	4,573

Sixteenth District

David Boutin, r	11,678
Kathleen M. Kelley, d	<u>8,500</u>
Plurality for Boutin	3,178

Seventeenth District

Jack Barnes, Jr., r	13,254
Charles E. Proulx, Jr., d	<u>5,743</u>
Plurality for Barnes, Jr.	7,511

Eighteenth District

Tom DeBlois, r	8,439
Betsi DeVries, d	<u>6,450</u>
Plurality for DeBlois	1,989

Nineteenth District

Jim Rausch, r	11,309
Kristi St. Laurent, d	<u>5,365</u>
Plurality for Rausch	5,944

Twentieth District

Lou D'Allesandro, d	6,656
Joseph Kelly Levasseur, r	<u>6,491</u>
Plurality for D'Allesandro	165

Twenty-First District

Amanda Merrill, d	9,634
Peter Angerhofer, r	<u>7,931</u>
Plurality for Merrill	1,703

Twenty-Second District

Chuck Morse, r	12,325
Rebecca C. Fee, d	<u>4,594</u>
Plurality for Morse	7,731

Twenty-Third District

Russell Prescott, r	11,001
Maggie Wood Hassan, d	<u>9,606</u>
Plurality for Prescott	1,395

Twenty-Fourth District

Nancy F. Stiles, r

11,594

Martha Fuller Clark, d

11,056

Plurality for Stiles

538

SECRETARY GARDNER: With that, Mister President and members of this Senate, those were the votes that were cast by the citizens of New Hampshire on November 2nd, and those are the votes that determine that all of you should be here today.

RESOLUTION No. 3

Sen. Bradley offered the following Resolution:

RESOLVED, that the return of votes from the several Senatorial Districts be referred to a Select Committee of three with instructions to examine and count the same and report to the Senate where any vacancies or contest exists and if so, in what Senatorial District.

Adopted.

President Bragdon appointed Senators Bradley, Barnes, and Larsen to serve as the Select Committee to examine the vote totals.

Recess. Out of recess.

SELECT COMMITTEE REPORT

Sen. Bradley reported that the select committee to which was referred the various return of votes for State Senators from the several districts, having attended to their duties and having examined the returns made to the Secretary of State, reports that it finds the state of the votes returned from the several districts to be correct.

Sen. Bradley moved to adopt the report. Adopted.

RESOLUTION No. 4

Sen. Bradley offered the following Resolution:

RESOLVED, that the biennium salary of the members of the Senate be paid in one undivided sum as early as practical after adoption of this resolution, and be it further **RESOLVED** that the mileage of members of the Senate be paid every two weeks during the session.

Adopted.

INTRODUCTION OF GUESTS

PRESIDENT BRAGDON: I believe, at this point, we are awaiting a message from the House. I think while we do that we can have recognition of our guests.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I'd like to introduce our Pages today, one of whom you have already met. George Seigel, if you would stand again? George is a 12th-grader in his senior year at Concord High School. As you all know, he is, in fact, the son of our illustrious Senate Clerk, Tammy Wright. He enjoys, in fall, spring, and summer, baseball and basketball. He is always welcome here in the Senate, and it's wonderful, over the years, that we've been able to see George as he's progressed in his maturity and capabilities. So, welcome, George.

Also with us today as a Page is Hope DuHaime. Hope is in the 11th grade at Concord High. Her favorite school subjects are in the sciences, and

her extracurricular activities include girls ice hockey and volunteering at the hospital. So, thank you again for being here, Hope, and we hope you enjoy the day as well. Thanks.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I'd like to introduce my wife, Susan, with me here today, and also a few guests in the gallery: my cousin, Pam Cameron, we have Jordan Prince, and Mark Oliberte. Thank you for coming. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I'll make this short, I promise. I want to introduce my best friend, my wife of 56 years, Fran. Sitting next to her is the family troublemaker, our daughter, Susan. Up in the gallery, I have... Our two sons are up there, Dwight and Warren; their wives are up there, Audrey and Jane. And, right here beside my wife is two-weeks-ago Warrant Officer, Derek Barnes. He's in the New Hampshire Army Guard, and he is now a helicopter pilot for Black Hawks. He came out of Fort Rucker, Alabama, and we're tickled pink that he's here with us today. And, his lovely wife is also upstairs in the gallery.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I'd like to introduce Brittany Weaver, who is up in the gallery... There she is. Brittany was my campaign manager extraordinaire; she motivated me, organized me, and kept me laughing. Brittany is a native of Epping and a recent graduate of UNH, and she's a young woman with a very bright future. So, welcome to Brittany.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. On behalf of myself as well as their Senator, who will do a phenomenal job for them, Senator Houde, I'd like to introduce my parents, Dick and Selma, brother Rick, brother Ed.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President, fellow colleagues. I'd like to introduce my two daughters, Tammy Ann De Blois and Heather Newell. My friends are here, also: Jon Dulude, Steve Matthews, and my very best friend, Jean Esslinger. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I'd like to introduce my two guests today: my mother, Charlotte Houde-Quimby, former member of the New Hampshire House, and my partner and friend, Sarah Sprague. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. In the gallery, I have our campaign manager, Peter Marcouillier, who was also my intern, recent graduate of the University of New Hampshire. On the floor, I have my son, Michael D'Allesandro, father of five, entrepreneur, and successful graduate of Plymouth State University; my daughter and her two sons, my daughter, Christina D'Allesandro, graduate of the University of New Hampshire, Master's Degree from the London School of Economics, her two sons, Dominic and Anthony. And, of course, last

but certainly not least, my companion for the last 55 years, a person who's made my life, and embellished my life beyond belief, my wife, Patricia D'Allesandro.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. I would like to introduce first, my wife, Shirley, my wife of 40 years, my best friend, and mother of our seven children. And, up in the gallery, Trixie Masse, who is my assistant campaign manager from Missouri, and my campaign manager could not be here; she took a position in Germany and left right after Thanksgiving. And, my daughter, Phoebe O'Neil, and her husband, Ryan O'Neil, in the back row, and three of my grandchildren, Reagan, Brianna, and Cameron.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. I'd like to introduce my lovely wife, Lorinda, and, in the balcony, my father- and mother-in-law, Peter and Martha Fingar, and my brother-in-law, Gregory Fingar.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I want to introduce my wife, Melinda, and my father up there, C. James Luther, my brother, John Luther, my brother Gray Luther, and his wife, Lori Luther.

(The Chair recognized Sen. Lambert.)

SENATOR LAMBERT: Thank you, Mister President, fellow Senators. I'd like to introduce my wife, Lori, in the back, on the floor, my daughter, Katherine, and my daughter, Grace. And, up in the balcony, I have my mom, Melitta Lambert, and my campaign manager, Wade Sarraf, who's also a Captain in the U.S. Army Reserve.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I would like to introduce my husband, Greg, who could be here with us today. And, I also want to say hello to my daughter, Alicia, whose home recuperating, and my daughter, Deidre, who's a junior at Clemson; I hope she's studying for final exams.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. Yes, I would like to introduce my friend and guest, Sandi Van Scoyoc; Sandi, if you want to stand? Sandi is the Executive Director of Healthy New Hampshire Foundation, and she does an outstanding job in the state.

Also, very important to me is my husband, Art Luptowski; would you stand? Art has just been a great supporter of mine, standing by my side through all of our terms and also our campaigns, and he's always fun to campaign with; we have a good time. We're also parents of four children, and very proud of that. And, Art probably will have to head out early this afternoon; he is a mens college basketball coach, and has a game tonight.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I'd like to introduce my husband, Howard, and, in the balcony, my sons Howard, Greg, Ken, and my daughter-in-law, Lynda.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I have with me four of my campaign workers: Laura Condon, Dean Dexter, Bert Tenhave, and Steve MacDougall. On the floor I have my wife, Emily – stand, Emily – my wife, Emily, of 22 years who hung in with me during the campaign, and all of you know what that means. And so, thanks, Emily, for letting me be here.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I can't help but believe that my family voted me to come back up here because they wanted me to get out of town. With me today is my wife, Susan, my daughter, Emma, which is my basketball player – she has to go back today for tryouts – my mother, Doris, and my father, Dick.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I'd like to introduce my husband, Keith, and I have two friends in the gallery: Peter Dooley and Kerry Marsh. Thank you.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I would like to introduce my mother, Jean Carlton. And, also, I have some close friends and supporters who drove me around door-to-door: Elena and Roger Ball. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you, Mister President. I would like to introduce my mother, Helen Bradley, who has always been an inspiration and somebody that I owe everything to.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. It is with great joy that I am able to welcome a good personal friend, a well-respected attorney, and a leader in this state and in her community of Concord, Susan Duprey. Thank you.

PRESIDENT BRAGDON: I would be remiss and in a great deal of trouble if I did not introduce my guests sitting on the couch, or – oops, sitting next to the couch over here is my mother, June Bragdon – raise your hand. And, on the couch: my older brother, Bob, my younger brother, Scott.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I have an amendment, a floor amendment.

PRESIDENT BRAGDON: To your introductions?

SENATOR BARNES: Yes. In my haste to speed things up, I forgot a very important item when I introduced my wife. She also, two months ago, became a great-grandmother. You know, that happens to me... I'm so young, I don't understand how that happened, but it did.

PRESIDENT BRAGDON: At this point, I believe having introduced all the guests, what we'll probably do is have a resolution to join in joint convention with the House. If they're not ready at this time, we will recess, and then we'll be joining them at the appropriate time. But, other than that, our business is complete, and so we can mingle with our guests for a while until we have to go in, and then lunch will be served over at the Upham-Walker House.

RESOLUTION No. 5

Sen. Bradley offered the following Resolution:

RESOLVED, that the Senate, when appropriate, meet in Joint Convention with the House for the purpose of electing the Secretary of State and the State Treasurer.

Adopted.

Recess. Out of Recess.

HOUSE MESSAGES

The Clerk read the following House Messages:

HOUSE MESSAGE

The House of Representatives has organized and has elected its Speaker:

Speaker of the House: William L. O'Brien of Mont Vernon

HOUSE MESSAGE

The House of Representatives has organized and elected its officers:

Clerk of the House: Karen O. Wadsworth of Bow

Sergeant-at-Arms: Walter Sword of Hopkinton

HOUSE MESSAGE

The House of Representatives has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Recess. Out of Recess.

ADJOURNMENT FROM THE EARLY SESSION

Sen. Bradley moved that the Senate now adjourn from the Early Session, that the business of the Late Session be in order at the present time; and that when we adjourn, we adjourn to Wednesday, January 5, 2011.

Adopted. Adjourned from the Early Session.

LATE SESSION**ANNOUNCEMENTS****ADJOURNMENT TO CALL OF THE CHAIR**

Sen. Bradley moved that the Senate, having organized and completed its business for the day, that we adjourn to Wednesday, January 5, 2011.

Adopted. The Senate is adjourned to Wednesday, January 5, 2011.

RULES OF THE SENATE

2011 – 2012

PART ONE**DUTIES OF THE SENATE PRESIDENT**

- 1-1 Determination of quorum; correction of Journal.
- 1-2 Members, conduct when speaking.
- 1-3 Members not to speak more than twice.
- 1-4 President shall recognize whom.
- 1-5 Questions of order, appeal.

- 1-6 Galleries, clearing of.
- 1-7 President to sign bills, etc.
- 1-8 President may name member to chair.

PART TWO
DECORUM AND DEBATE

- 2-1 Members, decorum of.
- 2-2 Member, absence from Session.
- 2-3 Motions, order of preference.
- 2-4 Questions postponed indefinitely not acted upon in same biennium.
- 2-5 Questions, when divided.
- 2-6 Objections to reading paper, how determined.
- 2-7 Roll Call, everyone must vote.
- 2-8 Reconsideration.
- 2-9 Petitions, introduction of.
- 2-10 Voting; division of Senate.
- 2-11 Visitors to Senate.
- 2-12 Hours of meeting.
- 2-13 Rules of Senate, how suspended.
- 2-14 Rules of Senate, how rescinded.
- 2-15 Conflict of Interest.
- 2-16 Committee of Conference reports.
- 2-17 Personal privilege.
- 2-18 Appeal, presiding officer ruling.
- 2-19 Motions, no substitution under color of amendment.

PART THREE
BILLS

- 3-1 Bills; shall be numbered and expressed clearly.
- 3-2 Bills, introduction of.
- 3-3 Bills, drafting of.
- 3-4 Resolutions to be treated as bills.
- 3-5 Bills shall have three readings; Progress of; time for second and third readings.
- 3-6 Bills, printing and distribution.
- 3-7 Bills amended only on second reading; filing of amendments.
- 3-8 Messages sent to House.
- 3-9 Messages, when received.

PART FOUR
COMMITTEES AND THEIR DUTIES

- 4-1 Public hearings to be held and advertised.
- 4-2 Amended bills, printed distributed and disposed of.
- 4-3 Referral of Bills to Finance Committee.
- 4-4 Committees, appointment of.
- 4-5 Standing Committees.
- 4-6 Committees, reports and meetings.
- 4-7 Requests to the Legislative Budget Assistant.

PART FIVE**COMMITTEE OF CONFERENCE**

- 5-1 Committees of Conference.

PART SIX**COMMITTEE OF THE WHOLE**

- 6-1 Committee of the Whole.

PART SEVEN**OFFICERS AND PERSONNEL**

- 7-1 Senate staff, composition and duties.
7-2 Senate staff, days of employment.
7-3 Requisition Approval Required.

PART EIGHT**DEADLINES**

- 8-1 Deadlines.

PART ONE**DUTIES OF THE SENATE PRESIDENT**

- 1-1 **Determination of quorum; correction of Journal.**

The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal corrected within one week after the permanent journal copy is placed in the hands of the Senate.

- 1-2 **Members, conduct when speaking.**

Any member, wishing to speak, shall notify the President. When the member is recognized to speak he shall rise and address the President, and when he has finished shall then sit down.

- 1-3 **Members not to speak more than twice.**

No member shall speak more than twice on the same question on the same day without leave of the Senate President.

- 1-4 **President shall recognize whom.**

When more than one member wishes to speak at the same time, the President shall decide who shall speak first.

- 1-5 **Questions of order, appeal.**

The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

- 1-6 **Galleries, clearing of.**

In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

1-7 President to sign bills, etc.

All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

1-8 President may name member to chair.

The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

PART TWO**DECORUM AND DEBATE****2-1 Members, decorum of.**

No member shall hold conversation with another while a member is speaking in debate, or use electronic devices, including but not limited to personal computers, and telephonic devices, without leave of the Senate.

2-2 Member, absence from Session.

No member shall absent himself without permission from the Senate.

2-3 Motions, order of preference.

When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.

2-4 Questions postponed indefinitely not acted upon in same biennium.

A question which is postponed indefinitely shall not be acted upon during the biennium except whenever two-thirds of the whole number of elected Senators shall on division taken, vote in favor thereof. Any bill which is indefinitely postponed shall not be reintroduced under cover of an amendment, bill, resolution, order, or committee of conference report. No motion to suspend this rule shall be permitted.

2-5 Questions, when divided.

Any member may call for the division of the question when the sense will admit it. The question of whether two or more propositions are capable of division is to be determined by the Chair. Unless otherwise specifically provided for, each part of a divided question shall pass only upon majority vote of those members present and voting.

2-6 Objections to reading paper, how determined.

When the reading of a paper or document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.

2-7 Roll Call, everyone must vote.

When the nays and yeas have been moved by a member and duly seconded by another member, each member present shall declare his assent or dissent to the question, unless for special reason he

be excused by the Senate. The names of the persons so making the motion and the second shall be recorded in the Journal. The President shall determine the order of the roll call. No member shall be required to vote in any case where he was not present when the question was put.

2-8 Reconsideration.

No vote shall be reconsidered, unless the motion for reconsideration is made by a member who voted with the prevailing side. The notice of such motion for reconsideration shall be given to the Senate in open session prior to adjournment on the same day on which the vote was passed, or to the clerk within two working business days of the vote. Any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void. Reconsideration of any bills subject to a deadline established by Senate rules must be acted upon on or before the Senate rule deadline, and thereafter shall be null and void.

2-9 Petitions, introduction of.

Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

2-10 Voting; division of Senate.

All questions shall be put by the President, and each member of the Senate present shall signify his assent or dissent by voting yea or nay, or shall abstain from voting by reason of a conflict pursuant to Part Two, Senate Rule 2-15. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

2-11 Visitors to Senate.

No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in session, except by the invitation of the President, or some member with the President's consent.

2-12 Hours of meeting.

The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion. The late session shall immediately follow the early session unless the Senate shall otherwise order.

2-13 Rules of Senate, how suspended.

No standing rule of the Senate shall be suspended unless two-thirds of the members present and voting vote in favor thereof. This rule shall not apply to Part Two, Senate Rule 2-4.

2-14 Rules of Senate, how rescinded.

No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present and voting vote therefore.

2-15 Conflict of Interest.

In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

2-16 Committee of Conference reports.

Action on the floor of a report of the Committee on Finance or a Committee of Conference on either the general appropriations (budget) bill or the capital budget bill, shall not be taken by the Senate, until said report has been available from the Senate Clerk twenty-four hours in advance, in written form. Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

2-17 Personal privilege.

Personal Privilege: A Senator may, as a matter of personal privilege, defend his/her position on a bill, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate. A Senator may speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate.

2-18 Appeal, presiding officer ruling.

Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

2-19 Motions, no substitution under color of amendment.

No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

PART THREE**BILLS****3-1 Bills; shall be numbered and expressed clearly.**

All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate, shall be endorsed with the name of the Senator presenting them, and with the subject matter of the same. Every bill shall be marked on the first page "Senate Bill" and numbered serially; every joint resolution shall be marked "Senate Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "Senate Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the Senate.

3-2 Bills, introduction of.

All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and reso-

lutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate, printed and available for distribution.

3-3 Bills, drafting of.

Drafting of Bills

(a) If a drafting request for a bill or resolution has been filed with the Office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

(b) Notwithstanding the provisions of Part Three, Senate Rule 3-2, a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted by the Office of Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Senate Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

(c) No bill the subject matter of which has been indefinitely postponed or made inexpedient to legislate in the Senate in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner.

(d) Legislation returned from the non-originating body, with an amendment, shall not be re-referred to committee but shall have one of the following recommendations: Concur, Nonconcur, Nonconcur and Request a Committee of Conference. Adoption of a motion to Nonconcur kills the legislation.

3-4 Resolutions to be treated as bills.

All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

3-5 Bills shall have three readings; Progress of; time for second and third readings.

Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the President to the appropriate committee and shall be printed as provided in Part Three, Senate Rule 3-6, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

3-6 Bills, printing and distribution.

After every bill shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it shall have been referred. Bills received from the House shall be printed at the same stage of their

procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

3-7 Bills amended only on second reading; filing of amendments.

No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents, or in the case of a committee amendment the name of the committee that recommended it, thereon. No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference, except it be germane. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

3-8 Messages sent to House.

Messages shall be sent to the House of Representatives by the Clerk of the Senate.

3-9 Messages, when received.

Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

PART FOUR

COMMITTEES AND THEIR DUTIES

4-1 Public hearings to be held and advertised.

A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least 4 days before hearing in the Senate Calendar. The Senate Calendar shall be available on the Internet for viewing as soon as it has been released for printing.

(a) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, rerefer to committee, inexpedient to legislate, or refer for interim study. Re-refer to committee shall be a committee report only in the first-year session. All rereferred bills shall be acted on by the fourth legislative day of the second year session. Refer for interim study shall be a committee report only in the second year session.

(b) Any legislation creating a chapter study committee shall have membership limited to members of the General Court.

4-2 Amended bills, printed distributed and disposed of.

When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the senate calendar on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be retained by the clerk and shall not be finally acted upon until the following legislative day, and a list of such bills with the report of the committee thereon shall be published in the senate calendar for the day on which action shall be taken.

4-3 Referral of Bills to Finance Committee.**Referral of Bills to Finance Committee**

(a). Every bill and joint resolution appropriating money, and every other bill which is accompanied by a fiscal note pursuant to RSA 14:44, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the Finance Committee for review. All bills which are referred directly to the Finance Committee shall have a hearing.

(b). The chair of a standing committee may request the Chair of the Finance Committee to exempt from review a bill that is subject to a fiscal note pursuant to RSA 14:44, but which the Chair of the Finance Committee believes has an undetermined or insignificant fiscal impact. The Chair of the Finance Committee shall announce on the floor all such bills exempted from review as soon as practicable after receipt of the request.

4-4 Committees, appointment of.

All committees of the Senate, including Senate members on committees of conference, shall consist of members of both parties as nearly equal as possible, provided that on all committees, both parties shall be represented. The President shall appoint the members of all committees, after consulting with the minority leader.

4-5 Standing Committees.

The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, the Committee on Education, the Committee on Election Law and Veterans' Affairs, the Committee on Energy, Environment and Economic Development, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Rules and Enrolled Bills, the Committee on Transportation, the Committee on Ways and Means and the Committee on Wildlife, Fish and Game and Agriculture.

4-6 Committees, reports and meetings.

The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, re-drafting, research or amendments to meet as needed on non legislative days during the legislative session. The Clerk of the Senate shall prepare a list by number, title and sponsor of all Senate bills and resolutions in committee which have not been acted upon within one week before the deadline established for the transfer of bills and resolutions from the Senate to the House of Representatives, and he/she shall distribute this list to every member of the Senate as soon as it is prepared.

4-7 Requests to the Legislative Budget Assistant.

Any Senate member may make a request of the Office of the Legislative Budget Assistant Budget Division, for technical staff assistance in the areas of finance, accounting and budgeting. The Budget Division may respond to that request when doing so will not interfere with the Budget Division's principal responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

PART FIVE
COMMITTEE OF CONFERENCE

5-1 Committees of Conference.

Committees of Conference.

(a) Whenever there be any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate conference committee on the bill and the Speaker of the House shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of the members of the committees of conference on any bill may increase or decrease if the President and the Speaker both agree. The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.

(c) The first-named person on a committee of conference shall be the chairman of that conference. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference.

(d) No action shall be taken in either body on any committee of conference report earlier than some subsequent day, after the report has been delivered to the seats or placed on a member's desk. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph (h) of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

(f) When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business

at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

(g) The sponsor of any bill or joint resolution referred to committees of conference shall, upon his request, be granted a hearing before said committees prior to action thereon.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

PART SIX

COMMITTEE OF THE WHOLE

6-1 Committee of the Whole.

The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole; the President shall leave the chair, and appoint a chairperson to preside in committee.

PART SEVEN

OFFICERS AND PERSONNEL

7-1 Senate staff, composition and duties.

The staff of the Senate shall be comprised of a clerk, an assistant clerk, a sergeant-at-arms, and a doorkeeper who are to be elected by the Senate, and such other personnel as the President shall appoint. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

7-2 Senate staff, days of employment.

Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

7-3 Requisition Approval Required.

No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay, or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

PART EIGHT

DEADLINES

8-1 Deadlines.

(a) Wednesday, October 13, 2010 – First day to file legislation for 2011 Senate Session.

(b) The Office of Legislative Services shall not draft a Senate Bill, Senate Concurrent Resolution, or Senate Joint Resolution, unless a request by a member for drafting with complete information has been received not later than 2:00 p.m., Friday, December 10, 2010, for the 2011 Session.

(c) Tuesday, January 18, 2011, at 12:00 p.m. - The Last Day to sign-off legislation for the above filing period.

January 5, 2011

CONVENING DAY

The Senate convened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

I'm going to replace the Bishop's Holy Water vial with a big hammer; that's what he's been missing all these days.

The great poet and mystic, Rilke, says this: "Once the realization is accepted that even between the closest human beings, infinite distances continue, a wonderful living side by side can grow. If they succeed in loving the distance between them, if they succeed in loving the distance between them, which makes it possible for each to see the other set against the whole sky."

To live and work side by side is one of your primary vocational callings as Senators and Senatorial staff. This sense of being community is both your best asset and, at times, going to be your hardest trial. So, I wanted to offer you a trick that I use in the church. When I come up against someone that really ticks me off, I imagine them as a five-year-old. I close my eyes, and I imagine them as a five-year-old, with all their assets and all their liabilities. And, my heart warms to them, and I love them. And, I don't confuse mutual love with mutual agreement. Let us pray.

God of all union, draw us together as one family, one Senate, one staff, one state, one nation, one world, in peace. Amen.

Sen. Forrester led the Pledge of Allegiance.

Sen. Forsythe is excused from today's session.

AMENDMENTS TO SENATE RULES

Sen. Bradley moved to amend the Senate Rules.

Amendment to Senate Rule 3-3 (b)

Amend Senate Rule 3-3 (b) by replacing with the following:

3-3 Bills, drafting of.

(b) Notwithstanding the provisions of Senate Rule 3-2, a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted by the Office of Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Senate Rules for the transfer of bills out of the first body if approved by either a majority of the Internal Affairs Committee or a two-thirds vote on the floor.

Amendment to Senate Rule 4-4

Amend Senate Rule 4-4 by replacing with the following:

4-4 Committees, appointment of.

The membership of all committees of the Senate, including Senate conference committees, shall be divided between the political parties in a manner reasonably approximating each party's representation in the Senate as a whole, provided that on all committees both parties shall be represented. The President shall appoint the members of all committees after consultation with the minority leader.

Amendment to Senate Rule 4-5

Amend Senate Rule 4-5 by replacing with the following:

4-5 Standing Committees.

The standing committees of the Senate shall be as follows: the Committee on Capital Budget, the Committee on Commerce, the Committee on Education, the Committee on Energy and Natural Resources, the Committee on Executive Departments and Administration, the Committee on Finance, the Committee on Health and Human Services, the Committee on Internal Affairs, the Committee on Judiciary, the Committee on Public and Municipal Affairs, the Committee on Transportation, and the Committee on Ways and Means.

Amendment to Senate Rule 8-1

Amend Senate Rule 8-1 by inserting after (c) with the following:

8-1 Deadlines.

(d) Monday, February 28, 2011 - Friday, March 04, 2011: SENATE BREAK.

(e) Thursday, March 10, 2011 - Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).

(f) Thursday, March 31, 2011 - CROSSOVER – Last Day to ACT on all Senate bills.

(g) Thursday, May 05, 2011 - Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).

(h) Thursday, June 02, 2011 - Last Day to ACT on all House bills.

(i) Wednesday, June 08, 2011 - Last Day to FORM Committees of Conference.

(j) Thursday, June 16, 2011 at 12:00 p.m. - Last Day to SIGN Committee of Conference Reports.

(k) Thursday, June 23, 2011 - Last Day to ACT on Committee of Conference Reports.

Adopted.

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

11-0515

SB 1-FN, eliminating the automatic continuation requirement for public employee collective bargaining agreements. (Odell, Dist 8; Barnes, Jr., Dist 17; Boutin, Dist 16; Bradley, Dist 3; Bragdon, Dist 11; Carson, Dist 14; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Luther, Dist 12; Morse, Dist 22; Rausch, Dist 19; Sanborn, Dist 7; Stiles, Dist 24; White, Dist 9: Public and Municipal Affairs)

11-0765

SB 11-LOCAL, relative to the police commission in the town of Hooksett. (Boutin, Dist 16; Barnes, Jr., Dist 17; Hess, Merr 9; M. Smith, Merr 9; T. Smith, Merr 9; Kotowski, Merr 9: Public and Municipal Affairs)

11-0051

SB 15, relative to the duties of tax collectors and clerks. (Bragdon, Dist 11: Public and Municipal Affairs)

11-0200

SB 16, relative to amendments to warrant articles. (Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; Forsythe, Dist 4; Gallus, Dist 1; Lambert, Dist 13; Merrill, Dist 21; Odell, Dist 8; Prescott, Dist 23; Stiles, Dist 24; White, Dist 9; Hoelzel, Rock 2; Major, Rock 8; Duarte, Rock 1; Jasper, Hills 27; Chandler, Carr 1: Public and Municipal Affairs)

11-0808

SB 17, relative to evidence of admissions in medical injury actions. (Bradley, Dist 3: Health and Human Services)

11-0942

SB 18, deleting a function of the central tax services unit. (Odell, Dist 8: Ways and Means)

11-0955

SB 19, relative to the definition of "prime wetlands." (Odell, Dist 8; Rausch, Dist 19: Energy and Natural Resources)

11-0956

SB 20, relative to shoreland protection permits. (Odell, Dist 8: Energy and Natural Resources)

11-0957

SB 21, relative to the definition of "wetlands." (Odell, Dist 8; Morse, Dist 22: Energy and Natural Resources)

11-0998

SB 22, relative to alternative regulation of small incumbent local exchange carriers. (Odell, Dist 8: Energy and Natural Resources)

Recess. Out of recess.

HOUSE MESSAGE

The Clerk read the following House Message:

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

RESOLUTION No. 6

Sen. Bradley offered the following Resolution:

RESOLVED, that the Senate meet in Joint Convention for the purpose of canvassing votes for the Governor and Executive Council.

Adopted.

Recess. Out of recess.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate now adjourn from the Early Session, that the business of the Late Session be in order at the present time; and that when we adjourn, we adjourn to Thursday, January 6, 2011 at 11 a.m.

Adopted. Adjournment from the Early Session.

LATE SESSION**ADJOURNMENT FROM LATE SESSION**

Sen. Bradley moved that the Senate adjourn to Thursday, January 6, 2011 at 11 a.m.

Adopted. The Senate adjourned to Thursday, January 6, 2011 at 11 a.m.

January 6, 2011

INAUGURATION DAY

The Senate convened at 11 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer:

In the Christian church calendar, today is the feast of the Epiphany. It's the day we all take down our Christmas trees, if you haven't already done so; I'm going to keep mine up for two more weeks, 'cause it's cute.

In the tradition from which I come, a star leads one to the child in the manger. But, what I love most about the story of the three wise men following that star to Bethlehem is that they do so in the midst of this political upheaval and political danger: King Herod is trying to find this child to destroy it for his own political advancement, and the wise men sense that they are being manipulated.

At the end of the story of the star over Bethlehem is this tiny little comment that we often throw away: "And they went home a different way." It's a great little comment.

When we meet truth, wherever it is – in a child, or in a conversation, in a person, in the Senate chamber, in your kitchen – we have a choice; we either pretend not to see it, or we, too, must find, having been unalterably changed, a new way home. Change is the companion of humility. Let us pray.

God of all truth, as we begin new work, break open our hearts and warm them to the humility which allows for change in the face of truth, and not just change for the sake of change. Grant us wisdom of the sages of old as we chart new courses, encounter new guiding lights, and go home a different way.

Amen.

Sen. Bradley led the Pledge of Allegiance.

Sen. Forsythe is excused from today's session.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I'm pleased to introduce Matthew Geason, who is a junior at my alma mater, Hanover High School. His favorite subject is American history; his favorite book is *The Godfather*. He participates in the crew team, he's an Eagle Scout, and he's also working at the Hanover Co-op, so he's got a busy plate these days. In the future, he'd like to make a difference in the lives of people; he'd like to change things to make things better. So, it's my pleasure to introduce Matthew.

PRESIDENT BRAGDON: And, Senator Bragdon also has some guests to introduce. We have Sarena Patel from my alma mater, Milford High School, who is a junior. Her favorite subject is English. Her extracurricular activities include track and field, mock trial, We The People – I'm sorry, state champion We The People – dance, and Special Olympics. Please welcome Sarena Patel.

And also from my alma mater, a junior: Jonna Gath. Her favorite subject is history; she enjoys extracurricular activities of soccer, basketball, history club, Future Business Leaders of America, and state champion We The People team. Please welcome Jonna Gath.

Recess. Out of recess.

HOUSE MESSAGE

The Clerk read the following House Message:

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the inauguration of the Governor, and the taking of the oath by the Executive Council.

RESOLUTION No. 7

Sen. Bradley offered the following Resolution:

RESOLVED, that the Senate meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor, the Honorable John H. Lynch, and for the taking of the oath by the Executive Council.

Adopted.

Recess. Out of recess.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate now adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

ADJOURNMENT FROM LATE SESSION

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, and sending and receiving messages, and when we recess, we recess to the call of the Chair.

Adopted. The Senate is in recess to the call of the Chair.

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

11-0947

CACR 5, relating to: the governor's power to reduce appropriations. Providing that: the governor shall have line item reduction power of items in any bill making appropriations of money. (Sen. Morse, Dist 22: Internal Affairs)

11-0195

SB 24-FN-LOCAL, exempting the Unity school district from the moratorium on school building aid. (Odell, Dist 8; Kelly, Dist 10; Larsen, Dist 15; Stiles, Dist 24; Cloutier, Sull 4; Gagnon, Sull 4; Osgood, Sull 4; Lovett, Sull 4; LaCasse, Sull 4: Education)

11-0198

SB 25, relative to the Connecticut River Valley resource commission. (Odell, Dist 8; Gallus, Dist 1; Kelly, Dist 10; Houde, Dist 5; Foose, Merr 1; Lovett, Sull 4; R. Moore, Ches 1; Laware, Sull 5; Cunningham, Sull 2: Executive Departments and Administration)

11-0423

SB 26, establishing a committee to study the classification of motor vehicles. (Carson, Dist 14; Rausch, Dist 19; Boutin, Dist 16; Packard, Rock 3; Hikel, Hills 7: Transportation)

11-0918

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. (Boutin, Dist 16; Bradley, Dist 3; Sanborn, Dist 7; De Blois, Dist 18; Gallus, Dist 1; Hunt, Ches 7; Dowling, Rock 5; Warden, Hills 7: Commerce)

11-0934

SB 29, relative to the definition of "moped." (Rausch, Dist 19; Packard, Rock 3; Waterhouse, Rock 4: Transportation)

11-0949

SB 30, relative to including a parent's residence in the parenting plan. (Boutin, Dist 16; De Blois, Dist 18; D'Allesandro, Dist 20; Kotowski, Merr 9; Duarte, Rock 1; T. Smith, Merr 9: Judiciary)

11-0954

SB 31, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age. (Houde, Dist 5; Sorg, Graf 3: Transportation)

11-0984

SB 32, relative to water withdrawals for snow making. (Gallus, Dist 1: Energy and Natural Resources)

Out of Recess.**MOTION TO ADJOURN FROM LATE SESSION**

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

January 19, 2011

The Senate reconvened at 1 p.m., a quorum being present.

Sen. Forsythe led the Pledge of Allegiance.

Senator Prescott offered the following meditation and prayer:

Dear Lord, we come before you today knowing that we have the business of the State at hand. We want to have you on our mind as we do go through this procedure, and we are working for the benefit of the people. And, we pray this in Your Lord, Jesus' name. Amen

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. With us in the gallery today is Landon Kowalszyk, who is a new intern with Conservation New Hampshire...or, he was there...there he is! Welcome, Landon.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Good afternoon, Mister President. Thank you. My guest today is Mark Kaplan, a longtime family friend and a longtime selectman in the Town of New London. Welcome, Mark Kaplan.

FINANCE REPORT

Sen. Morse announces that SB 1-FN will not go to Finance Committee.

COMMITTEE REPORTS

SB 1-FN, eliminating the automatic continuation requirement for public employee collective bargaining agreements. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-1. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move Senate Bill 1 Ought to Pass. This bill eliminates the automatic continuation requirement for public employee collective bargaining agreements.

The current evergreen law requires the continuation of existing contract terms during the interim between the expiration of an existing contract and the adoption of a new agreement. This means that although a contract has ended, pay increases and other monetary benefits must be continued until a new contract is reached. These automatic increases can result in long-term expenses on the employer that were never approved and were not budgeted by the local government at the time of the contracting. Senate Bill 1 will repeal this mandate.

Senate Bill 1 will not prevent a bargaining unit and a local government entity from agreeing to include an evergreen provision in a labor contract if that is what they choose to negotiate.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 1 to be adopted and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. As the prime sponsor of Senate Bill 1, I rise to simply explain how I came to be part of this discussion on the proposed repeal of the evergreen clause.

After the 2008 evergreen mandate became law, I was attending a meeting with other legislators called by a school superintendant and her staff.

The superintendant raised the issue, expressing the hope that none of her state legislators had supported the evergreen amendment. Her district had struggled to get contracts and budgets approved, and she felt the state evergreen mandate was a very negative factor in her district.

Subsequently, other school district and town officials have come to me to do something about the evergreen mandate. Fall Mountain leaders have expressed their support for repeal; the SAU for Claremont, Unity, and Cornish have written to me on my sponsorship of SB 1: "Good for you, and good luck." The Chair of my largest school district, Kearsarge, called personally to thank me for SB 1 getting a positive vote in the Public and Municipal Affairs Committee last week. My neighbor and friend, a longtime school teacher, but also the Chair of his local school board, has expressed his strong support. And, a former resident of Lempster, who now lives in Swanzey, wrote to me in support of this bill: "You will encounter opposition on this bill from public sector unions. However, it is the right thing to do, and I applaud all our Senators for trying to do the right thing." He is an employee in the Code Enforcement Office in the City of Keene.

SB 1 has the rare quality of bringing together the counties and municipalities, the school boards and school administrators together on a very significant and important issue to them and to the taxpayers that support them.

There are a couple of points that I will conclude with. Senate Bill 1, when it becomes law, will repeal the automatic continuation requirement in RSA 273-A:12, VII as passed in 2008. Senate Bill 1 is only relative to that state evergreen mandate on local public employers. When passed, Senate Bill 1 will ensure that the evergreen clause no longer applies to any public employee collective bargaining agreement which expired prior to the effective date of this bill. I'll read that again: When passed, Senate Bill 1 will ensure that the evergreen clause no longer applies to any public employee collective bargaining agreement which expired prior to the effective date of this bill. Parallel to that: When passed, Senate Bill 1 will ensure that the evergreen clause now in statute will not apply to any collective bargaining agreement which expires after the effective date of this bill.

Under Senate Bill 1, every contract will be treated equally. The repeal of the evergreen law will apply to all contracts, except it will have no impact on contracts in which evergreen clauses have been negotiated and approved by union members and local governing bodies. We're saying the mandate is wrong; we're not going to interfere with the collective bargaining process of the local area; the State is going to step back with the passage of Senate Bill 1.

Mister President, I ask my Senate colleagues to join me and the 17 other cosponsors in voting for Senate Bill 1. And, with that, I would ask for a roll call vote. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Sen. D'Allesandro for a question of Sen. Odell.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Thank you, Senator Odell. Senator Odell, I just want clarity on one particular issue. The City of Manchester has negotiated an evergreen clause in their contract. Is that evergreen clause still enforceable given the passage of this piece of legislation?

SENATOR ODELL: Yes, it is. It stays enforced as long as it was negotiated by the parties—that is the public employer as well as the bargaining unit—that they had an agreement, that that was approved by the governing body, aware of the costs that would be included as part of all elements of that contract. Yes. This would have no impact on that.

SENATOR D'ALLESANDRO: Thank you.

SENATOR ODELL: Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise simply to say that there was a very good reason for the evergreen law, and it was in fact to level the playing field. All of us see the writing on the wall. However, the evergreen clause did aim to level the playing field between negotiating parties towards the common goal of reaching agreement. It was also meant to recognize that young teachers, for example, would be able to see increases based on longevity. So, it would encourage teachers to stay in school districts rather than shop for a better salary and leave those students and leave that longevity at one school to go to a better-paying school.

So, there was a very good public purpose in the evergreen law; we clearly see the writing on the wall. And, we are grateful that this statement of intent reflects that those locally negotiated evergreen clauses—sorry, I'm hesitating because we just talked about it—those locally agreed upon evergreen clauses remain enforceable if they are locally negotiated. Thank you, Mister President.

The question is on the adoption of committee recommendation of Ought to Pass.

A roll call was requested by Sen. Odell, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 – Nays: 5

Adopted, bill ordered to Third Reading.

SB 11-L, relative to the police commission in the town of Hooksett. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 11 Ought to Pass. This enabling legislation permits the Town of Hooksett to have a local vote of whether or not to dissolve the Hooksett Police Commission.

The issue was debated by the Town Council, resulting in a unanimous 9-0 vote in favor of this measure. The Town Council needs legislative approval to enable the placement of this item as a warrant article. There is widespread community support to dissolve the Police Commission and have the Department placed under the authority of the town administrator, like all other town departments.

The Public and Municipal Affairs Committee unanimously recommends that Senate Bill 11 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 15, relative to the duties of tax collectors and clerks. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move Senate Bill 15 Ought to Pass. This bill increases the amount of receipts that may be deferred by the tax collector or clerk before remittance to the treasurer. This change was requested by both the New Hampshire City and Town Clerks Association and the New Hampshire Tax Collectors Association.

Currently, the law requires city and town clerks to deposit money at least weekly or when receipts exceed \$500. The proposed amount of \$1,500 matches the current requirements for town treasurers per RSA 41:29, making the deposit requirements the same across the board for town clerks, tax collectors, and town treasurers. The majority of towns and cities deposit receipts daily, but this change would allow small communities to deposit less frequently.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 15 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 16, relative to amendments to warrant articles. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

January 12, 2011

2011-0014s

06/09

Amendment to SB 16

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Use of Official Ballot. Amend RSA 40:13, IV by inserting after subparagraph (b) the following new subparagraph:

(c) No warrant article shall be amended to eliminate the subject matter of the article. An amendment that changes the dollar amount of an appropriation in a warrant article shall not be deemed to violate this subparagraph.

2 Effective Date. This act shall take effect upon its passage.

SENATOR BARNES: Thank you, Mister President. I move Senate Bill 16 Ought to Pass as Amended. This bill requires a town that has adopted official ballot voting to retain the substance of the subject matter of a warrant article when it is amended.

The issue developed as a result of the March 2008 New Hampshire Supreme Court Case: Ken Grant v. The Town of Barrington. In the Court's decision, they found nothing in RSA 40:13, IV, RSA 39:2, and RSA 39:3 that prevents voters from removing a subject from consideration at the second session by amending an article to delete the entire subject.

Because of that decision, however, several Senate Bill 2 towns found themselves with drastic changes to warrant articles at the March 2010

deliberative sessions. Citizens used the phrase, "2-C" as an amendment to citizens' warrant articles. The 2-C amendment destroys the warrant article. Other citizens who have taken the time to submit a warrant article sit and watch their efforts dissolve at the first deliberative session. Their petition article goes on the ballot as two words: 2-C. This created much confusion on the ballot questions. Senate Bill 16 as introduced simply dictated that no warrant article shall be amended to eliminate the substance of the original subject matter. The bill as amended clearly states no warrant article shall be amended to eliminate the subject matter itself, and that an amendment that changes the dollar amount of an appropriation in a warrant article shall not be deemed as a violation.

This bill is a bill for the people. We try to get people to come out and vote and get involved in politics. This is something that gives the people faith in the system. So, they go out and they put a warrant article in, it's going to get a fair shot for the voters to be able to vote on it at the election. It's a very bipartisan piece of legislation.

Therefore, the Public and Municipal Affairs Committee would ask for your support on passing this piece of legislation.

The question is on the adoption of Committee Amendment. Adopted.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

MOTION TO VACATE

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you, Mister President. I move to vacate Senate Bill 17 from the Health and Human Services Committee.

Senate Bill 17 deals with medical malpractice claims, matters over which both the Health and Human Services Committee and the Judiciary Committee have jurisdiction. In this particular instance, the bill deals specifically with what evidence can be admitted at trial, a topic that, in reality, ought to be considered by my good friend, the Chair of the Judiciary Committee, and that committee, which is why I am asking for that change. Thank you.

The question is on the motion of vacate SB 17 to Judiciary Committee. Adopted.

SB 17, relative to evidence of admissions in medical injury actions.

AMENDMENTS TO SENATE RULES

Sen. Bradley moved to amend the Senate Rules.

Amendment to Senate Rule 4-1

Amend Senate Rule 4-1 by replacing with the following:

4-1 Public hearings to be held and advertised.

A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least 4 days before hearing in the Senate Calendar. The Senate Calendar shall be available on the Internet for viewing as soon as it has been released for printing.

(a) All bills in the possession of committees shall be reported out with one of the following recommendations: ought to pass, ought to pass with amendment, rerefer to committee, inexpedient to legislate, or refer for interim study. Re-refer to committee shall be a committee report only in

the first year session. All rereferred bills shall be acted on by the fourth legislative day of the second year session. Refer for interim study shall be a committee report only in the second year session. In the event a committee is unable to reach a majority vote in favor of any recommendation, the bill shall be reported out of committee with a recommendation of inexpedient to legislate.

(b) Any legislation creating a chapter study committee shall have membership limited to members of the General Court.

Amendment to Senate Rule 4

Amend Senate Rule 4 by inserting 4-8:

4-8 Consent Calendar.

Beginning January 1, 2012, the Senate Calendar may have a Consent Calendar section containing reports on bills and resolutions believed to be non-controversial. No bill or resolution shall appear on the Consent Calendar unless all of the following conditions are met:

(a) All members of the committee to which the bill or resolution was referred vote in favor of the final committee recommendation in executive session.

(b) All members of the committee to which the bill or resolution was referred vote in favor of placing it on the Consent Calendar.

(c) The bill or resolution, if recommended for passage, does not appropriate money and is not accompanied by a fiscal note, pursuant to RSA 14:44.

(d) A short explanation of the committee's recommendation, approved by the chairperson of the committee appears with the bill or resolution in the Consent Calendar.

Any member may request removal of any bill or resolution listed on the Consent Calendar. Any item removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All items remaining on the Consent Calendar shall be acted upon without debate.

The following shall not appear on a Consent Calendar: Committee of Conference reports and Constitutional Amendment Concurrent Resolutions.

Notwithstanding Senate Rule 2-14, this rule may be rescinded by a majority vote after two days' notice of the motion to rescind.

PART FIVE

COMMITTEES OF CONFERENCE

Amendment to Senate Rule 5

Amend Senate Rule 5 by replacing with the following:

5-1 Formation of Committees of Conference.

Committees of Conference.

(a) Whenever there be is any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate committee of conference on the bill or resolution ~~committee on the bill~~ and the Speaker of the House shall appoint four members to the House committee of conference ~~committee~~. Exceptions: (1) the House committee

of conference on the operating budget shall consist of five members; (2) the number of the members of the any committees of conference on any bill may increase or decrease if the President and the Speaker both agree.

5-2 Operation of Committees of Conference.

The two committees of conference on a bill or resolution shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

~~(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.~~

5-3 Chairperson of Committees of Conference.

~~(c) The first-named person on a Senate committee of conference shall be the chairman of that conference chair the committee. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference and shall have the authority to call the time and place for their first meeting.~~

5-4 Action on Committees of Conference Reports.

~~(d) No action shall be taken in either body by the Senate on any committee of conference report earlier than some subsequent day to the filing of the report, and after the report has been delivered to the seats or placed on a member's desk.~~

5-5 Non-Germane Amendments Prohibited.

A committee of conference may neither change the title of any bill submitted to it nor add any non-germane amendments to which are not germane to the subject matter of the bill or resolution as originally submitted to it. For the purpose of this rule, a non-germane amendment is an amendment containing any subject matter not contained in either the House or Senate version of the bill.

5-6 Committees of Conference on Budget Bills.

~~(e) Conference Committees on Budget Bills.~~ The report of each the committee of conference on either the general appropriation bill or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph ~~(h)~~ 5-9 of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

5-7 Committees of Conference on CACRs.

~~(f)~~ When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

5-8 Bill Sponsor Granted a Hearing.

(g) The prime sponsor of any bill or joint resolution referred to committees of conference shall, upon his or her request, be granted a hearing before said committees prior to action thereon.

5-9 Prohibitions.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

Recess. Out of recess.

Sen. D'Allesandro moved to divide the question.

The Chair ruled the question divisible.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: I'd like to take 4-8 out of the mix and discuss that.

PRESIDENT BRAGDON: The motion then before us is on the change for 4-1 and 5-1 through 5-9, dealing with the committee of conferences and the public hearings.

The question is on the motion to amend Senate Rules 4-1 and 5-1 through 5-9. Adopted.

PRESIDENT BRAGDON: We now deal with Rule 4-8, Consent Calendar.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I've served in this Legislature, beginning in 1972. In 1972, we had no consent calendar in the House of Representatives. What we did is, we went over every bill. In order to expedite the situation, because of the 400 members of the body, a consent calendar was then adopted.

I must say that in the House, we have 400 members; you have screening through a large committee, a committee of at least 20. The bill is subsequently sent to a second committee, which is a subcommittee of the original committee, and then in some instances, is even sent back to the original committee and referred to another committee. Thus, in the House, I think the idea of a consent calendar has merit. I don't think the idea of a consent calendar in the Senate has any merit whatsoever.

This is a deliberative body. We represent, as Senator Barnes points out eloquently, the people of the State of New Hampshire. What we do here should be transparent. We must bring elements to the floor and discuss those elements. Now, we have many, many elements that go through here without any discussion. I don't want to negate that process at all; if you have a unanimous vote and there isn't any discussion to be had, no discussion is relevant. But, this is a deliberative body. We are 24 Senators representing 1.3 million people in the State of New Hampshire. They deserve to hear our sentiments on legislation that we're passing. We have an obligation to let the people that we represent know where we stand on the issues. Deliberation is the core to a democracy. When democracy was established in the Athenian Square, we had discussion and debate. That discussion and debate led to decisions that were made, hopefully, in the best interest of the people that we represent.

I say to you, this Senate has run for over 100 years—over 100 years—without a consent calendar. It seems to me our precursors in this Senate, leadership on both sides, Republican and Democrat, have done a very good job of controlling the issues and letting good discussion and debate take place, worthy of the people of the State of New Hampshire. And, when I say worthy, I mean worthy. Our opinions are important; they are opinions of the people that we represent, and we bring them forward here. I think to eliminate that by using a consent calendar is a disservice to the people of the State of New Hampshire. And, I don't believe anybody in this body wants to do that. They don't want that to be part of their legacy as leader of this body.

I have affection for this body. I have affection for the House; I have great affection for the Senate. I think it's an honor and a privilege to serve here. And, I honor each one of my colleagues who's taken that step and said, "I'm going to dedicate myself to public service; I'm going to be here. I'm going to represent my constituency." It would be shameful if the discussion and debate about legislation is pushed aside and not considered by each member of this body. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. Senator D'Allesandro, God bless you; you're 100 percent right. But, I want to clear something up; I don't want to clear it up, I just want to talk about it. This was discussed at great length in one of our caucuses with 19 Senators. A few of the Senators thought it was a great idea; a good number of our Senators, it's the first time that they've served in the Senate and they haven't had the feel for what goes on in this Senate.

After careful deliberation, a compromise was reached. The compromise was that this wouldn't go into effect until January 1st of 2012. This current year we would give the new folks in our chamber, new Senators that are here, a chance to see how the process works. And, I thought it was a great compromise to give it a shot. And, I also, Senator D'Allesandro, I agree with every darn thing you said and then some; I wasn't in the Athenian Square; I've been to Fenway Park, but I haven't been to Athenian Square like you might have been. If Senator Gatsas were here, former Senator Gatsas, he'd probably have been there, too, but I haven't. As you can see, the folks that wanted to give this a shot were nice enough to put in here the very last sentence of that situation, and I'll read it: "Notwithstanding Senate Rule 2-14, this rule,"—that you and I don't particularly like, Senator D'Allesandro—"may be rescinded by a majority vote after two days' notice of the motion to rescind." As much as I think that we shouldn't be following in the House's steps—this is not the House; this is the Senate, which a good number of us have a lot of feeling for and some of you new folks will have the same feeling before you get out of here—look around this room; there's only 24 of us in the State of New Hampshire! That's pretty damn important and pretty impressive, isn't it? Think about it: 24 out of 1.3 million people; that's us.

Also on the consent calendar, Senator D'Allesandro, as you know, having been in the House, any bill can be taken off the consent calendar. Also, Senate President, during the caucus, the group talked about this at great length. And, a whole committee, a committee of five, if one member of that committee says no, it doesn't go on the consent calendar. Only one member has to say that. In the whole committee—if there's five members

on the committee and only four of them are there, uh-uh; you've got to have all five. You've got to have a full committee to make that vote. So, there are some stopgaps in it.

So, I voted to go along with this, even though I agree with you. But, I think there's a whole year for testing, and I think it's a fair—you know, you and I have been around a couple of years, and you and I know that fitting together with people and making compromises works pretty well in this chamber; it works pretty well in life. So, it was a compromise in that caucus to come up with this. So, I'm going to vote for it. I might be in the majority that votes to throw it the heck out next January, but that's a little way off; it's a year away. Let's let the new folks get their teeth into this, see how the Senate works. And, I've got a hunch some of the Senators who thought otherwise during our caucus might change their minds when it comes time in January to put this in effect. Thank you, Senator, and I really appreciate your comments. You did a great job, Athenian Square and all.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I rise in opposition to this amendment. I do agree that there's place for efficiency. But, I ran for this Senate seat, and I hold it very dear. And, I think our obligation to my people and to our state is to have the ability to discuss all bills before this fine Senate we have.

Every single bill goes to the committee, every single bill is heard, and every single bill comes to the floor, and we vote on it; we've always voted on it individually. So, there is a process. I want to stick up for the process, and that's what I'm here for. Thank you very much, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to concur with my colleague from Manchester, and to say that, in fact, I recognize the compromises that occurred, and we are appreciative of the listening that happened that added language that said that a majority could suspend this rule. So, I rise to recognize that kind of spirit of compromise.

I do think that it will be interesting after a long, long, long budget debate, and we are all leaving at the end of June, whether there will be a spirit of wanting to hear more debate when we come back. But, I believe that it's important for transparency, like Senator Prescott, that the voters are able to see and hear why we are passing bills. I would remember to each of you that we are on streaming audio now, and anyone who wants to listen in can hear what bills are passing and what bills are being debated and what bills are being heard. A consent agenda will be a quiet passage of bills that no one will be able to hear that it occurred that day. So, I would point those things out as you watch between now and the end of June—hopefully we're done by the end of June. I would ask you to consider as you watch this process and think in each of your own minds whether this is a process which is important that debate occur on the Senate floor, or whether there are some bills which we can just skip and write a blurb and send out of here. I personally come down on the side of transparency and full debate. Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Merrill for a parliamentary inquiry.)

SENATOR MERRILL: Thank you, Mister President. I have a question of the Chair. If this rule fails to be adopted today, could it be brought up again for consideration at the beginning of 2012?

PRESIDENT BRAGDON: The rule could be brought up for consideration if it fails; it would require a two-thirds vote to change the rules after today.

(The Chair recognized Sen. Merrill for a follow-up question.)

SENATOR MERRILL: Even if it's the beginning of next session, not within this session.

PRESIDENT BRAGDON: Correct. After today, for the biennium, it needs two-thirds vote.

SENATOR MERRILL: Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise in support of this rule change. I think we all know, even those of us who are the staunchest defenders of tradition, as my good friend from Manchester and my good friend from Raymond are, as well as Senator Prescott, who has served in this body before... I feel as if I'm one of the rookies here. But, in looking at who we are, all 24 of us, we have increasing work pressures outside of this body, and all of our schedules need some protection from the length of some of the Senate sessions that we've endured in the past.

Now, when the discussion gets down to words like 'transparency' and 'deliberation', I would remind my colleagues that we live in the Internet Age. And, while it is possible—and that's a good thing—to live-stream our sessions or to record them as is happening, more and more of the people of New Hampshire, the people across our country, get their information online. And so, in my view, having a blurb that describes a bill is every bit as transparent as a very brief discussion that happens, for the most part, during work hours, when people can't live-stream and listen to our deliberation. Having that blurb in the Calendar that's online, both before the debate happens and well after the debate, probably, at least in my view, provides more transparency and the ability for the public to interact with us, either prior to the vote or after the vote.

As my good friend from Raymond talked about, there are more protections in this proposal than there are in the House consent calendar. All members of the committee have to be there, all have to vote affirmatively for the bill or against the bill unanimously, and in a separate motion, to vote to place it on the consent calendar. We know there'll have to be a blurb that provides both the deliberative intent and the transparency that we have, and every member's right to then pull a bill from the consent calendar and have the debate that we're having now about a rule will be protected.

Furthermore, if we find, a year from now, which is when this rule will go into effect, that it's not working, whichever side of the aisle we're on, we will know that, and with the protection of just a simple majority vote, be able to change that rule.

So, I would urge us to think about the pressures that we all face, both in this building and outside this building, to understand that information is shared electronically and the written word is as powerful electronically as the spoken word, I would urge us to approve this, see how the process works in 2011, and implement it in 2012. Thank you.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise and hope that you would consider voting against this amendment. I do this partly from what you've heard from many of our colleagues here, and certainly Sen-

ator D'Allesandro. And, I haven't been in the Senate as long as Senator D'Allesandro has, but I have been here for the last four years, for two terms. And, I have to say, one of the things I feel most proud about in being here is the fact that we respect all the voices of the people in this state, and that we are here to represent those. My concern, whether we would amend—or, the language that Senator Barnes referred to in this amendment of not having this enforced for a year—my concern is the perception that the people of the state then think of us and what we're doing here today. And, I think that the perception we want and the message we want to give to all of them is to continue that we are going to discuss and we are going to debate the issues that they've brought forward to us as their representatives and that we continue to do that. So, I urge you not to support this amendment. Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Stiles for a parliamentary inquiry.)

SENATOR STILES: Thank you, Mister President. My question is of you. There's nothing in this rule that requires us to put this in place; at the very first session in 2012, we could move this out, right?

PRESIDENT BRAGDON: The rule states that with a majority vote, the rule can be rescinded.

SENATOR STILES: Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Merrill for a parliamentary inquiry.)

SENATOR MERRILL: Thank you, Mister President. Following up on Senator Stiles' question, I'm reading the rule to say that there may be a consent calendar, that we're authorizing the possibility of it. Is that not right?

PRESIDENT BRAGDON: The wording of the rule says there may be a consent calendar.

SENATOR MERRILL: Right. So, in follow-up to Senator Stiles' question, it doesn't necessarily have to be implemented. Is that right?

PRESIDENT BRAGDON: If there are no bills coming from committees with a unanimous vote of all committee members present and voting for both the motion and to put it on the consent calendar, then there would be nothing on the consent calendar.

The question is on the motion to amend Senate Rule 4 by inserting Senate Rule 4-8. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 1-FN, eliminating the automatic continuation requirement for public employee collective bargaining agreements.

SB 11-L, relative to the police commission in the town of Hooksett.

SB 15, relative to the duties of tax collectors and clerks.

SB 16, relative to amendments to warrant articles.

ANNOUNCEMENTS

Rule 2-17 Tribute to Lance Corporal Michael Geary

SENATOR RAUSCH: Thank you, Mister President. On December 8, 2010, Lance Corporal Michael Geary was killed in combat while serving with Fox Company in Helmand Province, Afghanistan. I would like to take this opportunity to honor Michael.

I want to start by offering my deepest condolences to his family for their terrible loss. Michael Geary was only 20 years old, and a 2009 graduate of Pinkerton Academy. He had determined when he was 14 years of age that he wanted to be a Marine. Through hard work, dedication, and determination, he made his dream come true. He believed in serving his country.

Not all of us had the honor of knowing Michael personally, but by all accounts, he was a good son, a true friend, and a man who was dedicated to the U.S. Marine Corps. His death is a loss to all of us, especially to those in the community of Derry who knew him well.

Michael Geary made the ultimate sacrifice defending his country; we must never take this sacrifice for granted. I want to tell his family that their son will not be forgotten, not by the Town of Derry, and not by the State of New Hampshire.

Thank you, Lance Corporal Michael Geary. You are a New Hampshire hero.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and when we recess, we recess to the call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

11-0413

SB 2, relative to adoption of spending caps by municipalities. (Boutin, Dist 16; Bradley, Dist 3; Bragdon, Dist 11; Gallus, Dist 1; Odell, Dist 8; Barnes, Jr., Dist 17; De Blois, Dist 18; Forsythe, Dist 4; Groen, Dist 6; Lambert, Dist 13; Sanborn, Dist 7; White, Dist 9; Infantine, Hills 13; Greazzo, Hills 17; Gagne, Hills 13; Gonzalez, Hills 17; W. Hutchinson, Hills 9: Public and Municipal Affairs)

11-0570

SB 12-FN, relative to screening panels for medical injury claims. (Bradley, Dist 3; Houde, Dist 5: Judiciary)

11-0978

SB 13-FN, increasing the limit on single wagers for games of chance conducted by charitable organizations. (Gallus, Dist 1; D'Allesandro, Dist 20; Gionet, Graf 3; Y. Thomas, Coos 4; H. Richardson, Coos 2; Saporeto, Rock 5: Ways and Means)

11-0453

SB 14-FN, relative to the brandishing of a firearm. (De Blois, Dist 18; Bradley, Dist 3: Judiciary)

11-0936

SB 23-FN, establishing a revenue assistant position within the department of justice. (Odell, Dist 8: Ways and Means)

11-0623

SB 27, relative to speed limitations for boats. (D'Allesandro, Dist 20; Boutin, Dist 16; Sanborn, Dist 7; Gallus, Dist 1; Hikel, Hills 7; Warden, Hills 7; Comtois, Belk 5; Baldasaro, Rock 3: Transportation)

11-0527

SB 33-FN, relative to retired state employee contributions for medical benefits costs. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Larsen, Dist 15; Merrill, Dist 21: Executive Departments and Administration)

11-0928

SB 34-FN, relative to orders of notice in cases involving guardianship of minors. (Houde, Dist 5; Sorg, Graf 3: Judiciary)

11-0526

SB 36, relative to the permanent siting of the Hampton-Exeter District Court. (D'Allesandro, Dist 20; Prescott, Dist 23; Houde, Dist 5: Judiciary)

11-0767

SB 37, relative to the determination of residency for certain pupils. (Stiles, Dist 24; Carson, Dist 14; St. Cyr, Belk 5; Shaw, Hills 16; Ladd, Graf 5: Education)

11-0922

SB 38, relative to extensions for wetland and shoreland permits. (Odell, Dist 8: Energy and Natural Resources)

11-0937

SB 39, relative to enforcement of the excavation tax by the department of revenue administration. (Odell, Dist 8: Ways and Means)

11-0938

SB 40, making technical corrections to meals and rooms tax laws. (Odell, Dist 8: Ways and Means)

11-0939

SB 41, relative to enforcement of the timber tax and excavation tax by the department of revenue administration. (Odell, Dist 8: Judiciary)

11-0944

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax. (Odell, Dist 8: Ways and Means)

11-0945

SB 43, making a technical correction to the tobacco tax laws. (Odell, Dist 8: Ways and Means)

11-0950

SB 44, relative to payment of rent pending a landlord-tenant action. (Boutin, Dist 16; Sanborn, Dist 7; Carson, Dist 14; Jasper, Hills 27; Infantine, Hills 13; W. Hutchinson, Hills 9; Packard, Rock 3: Judiciary)

11-0959

SB 45, relative to criteria for designation as a Granite State scholar. (D'Allesandro, Dist 20; Carson, Dist 14; Kelly, Dist 10; Gallus, Dist 1; Odell, Dist 8; Rausch, Dist 19; Larsen, Dist 15; Houde, Dist 5; Merrill, Dist 21: Education)

11-0982

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. (Gallus, Dist 1; Odell, Dist 8; Carson, Dist 14; Rappaport, Coos 1; Remick, Coos 2; H. Richardson, Coos 2: Energy and Natural Resources)

11-0987

SB 47, extending the commission to study water infrastructure sustainability funding. (Gallus, Dist 1; Kelly, Dist 10; Odell, Dist 8; Merrill, Dist 21; Barnes, Jr., Dist 17; Umberger, Carr 1; St. Cyr, Belk 5; Spang, Straf 7; Chandler, Carr 1; Kappler, Rock 2: Energy and Natural Resources)

11-1025

SB 48, relative to filing of rates for certain telephone services. (Odell, Dist 8; Lambert, Dist 13; Luther, Dist 12: Energy and Natural Resources)

11-1040

SB 49, relative to tip pooling arrangements. (Stiles, Dist 24; Pantelakos, Rock 16; K. Sullivan, Rock 15: Commerce)

11-1049

SB 50, making various changes to laws regulating trusts and trust companies. (D'Allesandro, Dist 20; Bradley, Dist 3; Odell, Dist 8; Gallus, Dist 1; Houde, Dist 5; Hunt, Ches 7: Commerce)

11-1064

SB 51, relative to the establishment of a state leadership team to resolve issues concerning certain adults with developmental disabilities who may present a degree of risk to the community. (Merrill, Dist 21; Kelly, Dist 10; Shurtleff, Merr 10: Health and Human Services)

11-0194

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. (Bragdon, Dist 11; Gallus, Dist 1; Bradley, Dist 3; Odell, Dist 8; Carson, Dist 14; Boutin, Dist 16; Barnes, Jr., Dist 17; Lambert, Dist 13; Rausch, Dist 19; Forsythe, Dist 4: Judiciary)

11-0603

SB 54, repealing certain condominium registration and filing requirements. (De Blois, Dist 18; Hinch, Hills 19: Commerce)

11-0613

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Odell, Dist 8; Bradley, Dist 3; Merrill, Dist 21; Bettencourt, Rock 4; Reagan, Rock 1; Lovett, Sull 4: Energy and Natural Resources)

11-0968

SB 57, relative to regulation of title loan lenders. (Carson, Dist 14; Sanborn, Dist 7; De Blois, Dist 18; Boutin, Dist 16; Marshall Quandt, Rock 13; Hunt, Ches 7; Gidge, Hills 24; Baldasaro, Rock 3; Shaw, Hills 16: Commerce)

11-1008

SB 59-FN-A, relative to fees for terrain alteration permits. (Gallus, Dist 1; Sanborn, Dist 7; H. Richardson, Coos 2; Remick, Coos 2; Mirski, Graf 10: Ways and Means)

11-0203

SB 60, relative to the definition of commercial motor vehicle. (Gallus, Dist 1; Boutin, Dist 16; Stiles, Dist 24; D'Allesandro, Dist 20; M. Tremblay, Coos 4; Remick, Coos 2; Daugherty, Coos 1: Transportation)

11-0414

SB 61, relative to capital appropriations to the liquor commission. (D'Allesandro, Dist 20; Odell, Dist 8; Gallus, Dist 1: Capital Budget)

11-0455

SB 62, relative to persons participating in the return to work program. (Stiles, Dist 24; Infantine, Hills 13; Nevins, Rock 15; K. Sullivan, Rock 15; Schlachman, Rock 13: Commerce)

11-0844

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. (Barnes, Jr., Dist 17; Itse, Rock 9; Comerford, Rock 9: Judiciary)

11-0926

SB 64, removing the oath requirement for criminal complaints filed by police officers. (Houde, Dist 5; Sorg, Graf 3: Judiciary)

11-0927

SB 65, making technical corrections to a law relative to court facility financing. (Houde, Dist 5; Sorg, Graf 3: Judiciary)

11-0935

SB 66, relative to nonresident fees for motorcycle rider education. (Rausch, Dist 19; Packard, Rock 3; Waterhouse, Rock 4: Transportation)

11-0962

SB 67, establishing a committee to study school vouchers and school choice. (De Blois, Dist 18: Education)

11-0985

SB 68, relative to records of disciplinary actions taken by the electricians' board. (Gallus, Dist 1; Gimas, Hills 12: Executive Departments and Administration)

11-0988

SB 69, permitting 2-wheeled vehicles to proceed through an intersection after stopping for a red light. (Carson, Dist 14: Transportation)

11-1010

SB 72-FN, establishing a comprehensive cancer plan fund. (Kelly, Dist 10: Health and Human Services)

11-1023

SB 73, establishing a committee to study local options for evergreen clauses. (D'Allesandro, Dist 20; Larsen, Dist 15; Merrill, Dist 21; D. Sullivan, Hills 8: Public and Municipal Affairs)

11-0778

SB 77-FN, relative to the special fund for payment for second injuries under workers' compensation law. (Sanborn, Dist 7; White, Dist 9; Bradley, Dist 3; T. Keane, Merr 13; Cohn, Merr 6; Kreis, Merr 6: Commerce)

11-0931

SB 78-FN-A-LOCAL, relative to motor vehicle registration fees. (Sanborn, Dist 7; Bragdon, Dist 11; Forsythe, Dist 4; White, Dist 9; Bradley, Dist 3; Groen, Dist 6; De Blois, Dist 18; T. Keane, Merr 13; Cohn, Merr 6; Kreis, Merr 6; Jennifer Coffey, Merr 6; Bettencourt, Rock 4: Ways and Means)

11-0948

SB 80-FN-A-LOCAL, exempting certain rental income from the meals and rooms tax. (Boutin, Dist 16; Barnes, Jr., Dist 17; Lambert, Dist 13; Warden, Hills 7; Major, Rock 8; Bettencourt, Rock 4; Griffin, Rock 4: Ways and Means)

11-0205

SB 85, naming a bay in the town of Meredith Johnson Bay. (Forrester, Dist 2; Barnes, Jr., Dist 17; Boutin, Dist 16; Bradley, Dist 3; Bragdon, Dist 11; Carson, Dist 14; D'Allesandro, Dist 20; De Blois, Dist 18; Gallus, Dist 1; Lambert, Dist 13; Larsen, Dist 15; Morse, Dist 22; Odell, Dist 8; Rausch, Dist 19; Greemore, Belk 3; Worsman, Belk 3; Fields, Belk 2: Public and Municipal Affairs)

11-0213

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine. (Luther, Dist 12; Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Bragdon, Dist 11; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Morse, Dist 22; Odell, Dist 8; Prescott, Dist 23; Rausch, Dist 19; Sanborn, Dist 7; Stiles, Dist 24; White, Dist 9; Infantine, Hills 13; Umberger, Carr 1; Chandler, Carr 1; Hunt, Ches 7; Bettencourt, Rock 4: Commerce)

11-0263

SB 87, relative to the closure of certain underground storage tank systems. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; Gallus, Dist 1; Lambert, Dist 13; Odell, Dist 8; Chandler, Carr 1; Umberger, Carr 1; Pettengill, Carr 1: Energy and Natural Resources)

11-0341

SB 88, relative to physical force in defense of a person. (Boutin, Dist 16; Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; Bragdon, Dist 11; De Blois, Dist 18; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Luther, Dist 12; White, Dist 9; Baldasaro, Rock 3; Jennifer Coffey, Merr 6; Swinford, Belk 5: Judiciary)

11-0422

SB 89, relative to employee leasing companies. (Carson, Dist 14; Goley, Hills 8; Marshall Quandt, Rock 13; Matt Quandt, Rock 13; Jennifer Coffey, Merr 6: Commerce)

11-0467

SB 90, relative to the consolidation of school administrative units. (Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; D'Allesandro, Dist 20; Forrester, Dist 2; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Luther, Dist 12; Merrill, Dist 21; Odell, Dist 8; Sanborn, Dist 7; White, Dist 9: Education)

11-0766

SB 91, relative to automatic fire suppression sprinklers. (Boutin, Dist 16; Barnes, Jr., Dist 17; Bradley, Dist 3; De Blois, Dist 18; Gallus, Dist 1; Groen, Dist 6; Sanborn, Dist 7; White, Dist 9; Infantine, Hills 13; Hawkins, Hills 18; Jennifer Coffey, Merr 6; Pepino, Hills 11; T. Keane, Merr 13: Public and Municipal Affairs)

11-0781

SB 92, establishing an economic strategic commission to review the relationship between business and government. (Sanborn, Dist 7; Forsythe, Dist 4; White, Dist 9; Bradley, Dist 3; Groen, Dist 6; De Blois, Dist 18; Bragdon, Dist 11; Luther, Dist 12; O'Brien, Hills 4; Bettencourt, Rock 4; T. Keane, Merr 13; Kurk, Hills 7; D. McGuire, Merr 8: Executive Departments and Administration)

11-0795

SB 93, relative to pharmacist administration of vaccines. (Gallus, Dist 1; Case, Rock 1; Kreis, Merr 6; H. Richardson, Coos 2; Terrio, Hills 14: Health and Human Services)

11-0833

SB 94, relative to state certification of community residences in municipalities with zoning ordinances which accommodate certified community residences. (Bradley, Dist 3; Ahlgren, Carr 4; Knox, Carr 4: Public and Municipal Affairs)

11-0923

SB 95, establishing a committee to study youth sports concussions. (Houde, Dist 5; D'Allesandro, Dist 20; Kelly, Dist 10; Merrill, Dist 21; Larsen, Dist 15; Boutin, Dist 16; Carson, Dist 14: Health and Human Services)

11-0946

SB 96, relative to amending the charter of The Pinkerton Academy. (Rausch, Dist 19; Katsakiores, Rock 5; Sapareto, Rock 5; K. Gould, Rock 5; Dowling, Rock 5; Ferrante, Rock 5: Education)

11-0958

SB 97, relative to the application of the community revitalization tax relief incentive. (Stiles, Dist 24; Gallus, Dist 1; Nevins, Rock 15; Waddell, Rock 15; K. Sullivan, Rock 15; Theberge, Coos 4: Ways and Means)

11-0960

SB 98, revising the international registration plan. (Rausch, Dist 19: Transportation)

11-0961

SB 99, relative to trailer brakes. (Rausch, Dist 19: Transportation)

11-0972

SB 100, relative to the size limitations on OHRVs, and the operation of OHRVs on state-owned trails. (Carson, Dist 14; Gallus, Dist 1; Bulis, Graf 1: Energy and Natural Resources)

11-0973

SB 101, requiring the Pettengill Road project in Londonderry to be added to the state's 10-year transportation improvement program. (Carson, Dist 14; Baldasaro, Rock 3; Lundgren, Rock 3; McKinney, Rock 3; Introne, Rock 3; Tamburello, Rock 3: Transportation)

11-0974

SB 102, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. (Carson, Dist 14; Barnes, Jr., Dist 17; Lambert, Dist 13; Baldasaro, Rock 3; Lundgren, Rock 3; Tamburello, Rock 3; Theberge, Coos 4: Health and Human Services)

11-0975

SB 103, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government. (Barnes, Jr., Dist 17; Boutin, Dist 16; Bradley, Dist 3; Bragdon, Dist 11; Carson, Dist 14; Forrester, Dist 2; Gallus, Dist 1; Groen, Dist 6; Morse, Dist 22; Odell, Dist 8; Sanborn, Dist 7; White, Dist 9: Finance)

11-0976

SB 104, relative to certain agricultural operations. (Odell, Dist 8; Theberge, Coos 4; Chandler, Carr 1; Sanders, Rock 7: Public and Municipal Affairs)

11-0979

SB 105, excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails. (Gallus, Dist 1; Stiles, Dist 24; M. Tremblay, Coos 4; Y. Thomas, Coos 4; Fields, Belk 2: Energy and Natural Resources)

11-0980

SB 106, naming the visitor center at Jericho Mountain state park for Robert Danderson. (Gallus, Dist 1; D'Allesandro, Dist 20; Barnes, Jr., Dist 17; Carson, Dist 14; M. Tremblay, Coos 4; Y. Thomas, Coos 4; Remick, Coos 2; Tholl, Coos 2: Energy and Natural Resources)

11-0981

SB 107, relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles. (Gallus, Dist 1; Rausch, Dist 19; Theberge, Coos 4; M. Tremblay, Coos 4; Sapareto, Rock 5; Fields, Belk 2: Energy and Natural Resources)

11-0983

SB 108, relative to emergency obstetrical care. (Gallus, Dist 1; Bradley, Dist 3; Kelly, Dist 10; De Blois, Dist 18; Pettengill, Carr 1; Chandler, Carr 1: Judiciary)

11-0989

SB 109, establishing a committee to study the foreclosure process in New Hampshire. (Carson, Dist 14; Barnes, Jr., Dist 17; Griffin, Rock 4; Baldasaro, Rock 3; Headd, Rock 3: Commerce)

11-1001

SB 110, relative to condominium development projects and application of the state fire code. (De Blois, Dist 18: Commerce)

11-1003

SB 111, relative to short sales of a homeowner's residence. (Boutin, Dist 16: Commerce)

11-1011

SB 112, relative to the membership on the advanced manufacturing education advisory panel. (Kelly, Dist 10; Larsen, Dist 15; Odell, Dist 8: Education)

11-1015

SB 113, relative to nonpublic schools receiving public funds. (Larsen, Dist 15; Kelly, Dist 10: Education)

11-1016

SB 114, prohibiting assessing teacher performance based solely on assessment scores. (Larsen, Dist 15: Education)

11-1024

SB 115, relative to observing voter check-in. (Boutin, Dist 16; Barnes, Jr., Dist 17; Carson, Dist 14; Jasper, Hills 27; Duarte, Rock 1: Public and Municipal Affairs)

11-1027

SB 116, relative to the manufactured housing installation standards board. (Carson, Dist 14; Matt Quandt, Rock 13: Commerce)

11-1030

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund. (Odell, Dist 8; Stiles, Dist 24; Carson, Dist 14; Merrill, Dist 21; D'Allesandro, Dist 20; Day, Hills 7; Hawkins, Hills 18; Jeudy, Hills 10; Copeland, Rock 13: Education)

11-1037

SB 118, modifying the definition of renewable generation facility. (Gallus, Dist 1; Rappaport, Coos 1: Energy and Natural Resources)

11-1038

SB 119, relative to qualified association trusts. (Bradley, Dist 3; Stiles, Dist 24; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; Gallus, Dist 1; Lambert, Dist 13; Odell, Dist 8; Rausch, Dist 19; Sanborn, Dist 7; Hunt, Ches 7; Charron, Rock 7; Jennifer Coffey, Merr 6; Umberger, Carr 1; F. Rice, Rock 15: Commerce)

11-1039

SB 120, relative to alcoholic beverage advertising restrictions. (Stiles, Dist 24; Barnes, Jr., Dist 17; Boutin, Dist 16; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; De Blois, Dist 18; Gallus, Dist 1; Lambert, Dist 13; Odell, Dist 8; White, Dist 9; Pantelakos, Rock 16; Bettencourt, Rock 4; Kappler, Rock 2: Commerce)

11-1043

SB 121, relative to the application of the worker adjustment and re-training notification act. (Luther, Dist 12; Barnes, Jr., Dist 17; Bragdon, Dist 11; De Blois, Dist 18; Gallus, Dist 1; Lambert, Dist 13; Sanborn, Dist 7; White, Dist 9: Commerce)

11-1047

SB 122, establishing a committee to study the laws relating to electronic prescriptions. (Stiles, Dist 24; Sanborn, Dist 7; DiPentima, Rock 16; Case, Rock 1: Health and Human Services)

11-1069

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Gallus, Dist 1; Lambert, Dist 13; Odell, Dist 8; Stiles, Dist 24; White, Dist 9; Sorg, Graf 3: Judiciary)

11-0212

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Bragdon, Dist 11; Carson, Dist 14; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Lambert, Dist 13; Luther, Dist 12; Morse, Dist 22; Rausch, Dist 19; Sanborn, Dist 7; Stiles, Dist 24; White, Dist 9; Chandler, Carr 1; Hess, Merr 9; Major, Rock 8; Tucker, Rock 17; Bettencourt, Rock 4: Ways and Means)

11-0362

SB 126-FN, relative to net operating loss carryovers under the business profits tax. (Luther, Dist 12; Barnes, Jr., Dist 17; Boutin, Dist 16; Bragdon, Dist 11; Carson, Dist 14; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Rausch, Dist 19; Sanborn, Dist 7; White, Dist 9; Bettencourt, Rock 4; Major, Rock 8; Chandler, Carr 1; Tucker, Rock 17: Ways and Means)

11-0415

SB 127-FN, relative to the city of Manchester's contributory retirement system. (D'Allesandro, Dist 20; D. Sullivan, Hills 8; Baroody, Hills 13; Goley, Hills 8: Public and Municipal Affairs)

11-0418

SB 128-FN-A, establishing a fee on occupancy of sleeping accommodations of the Appalachian Mountain Club and the Randolph Mountain Club to fund search and game rescue operations of the fish and game department. (D'Allesandro, Dist 20; Gallus, Dist 1; Chandler, Carr 1; Mirski, Graf 10: Energy and Natural Resources)

11-0624

SB 130-FN-A, repealing the tax on gambling winnings. (D'Allesandro, Dist 20; Gallus, Dist 1; Barnes, Jr., Dist 17; Hatch, Coos 3; Campbell, Hills 24; D. Sullivan, Hills 8; P. Garrity, Hills 14: Ways and Means)

11-1028

SB 135-FN-A, relative to election returns and election records. (Carson, Dist 14; Barnes, Jr., Dist 17; Hoelzel, Rock 2: Public and Municipal Affairs)

11-1033

SB 137-FN-A, relative to the driver training fund. (Gallus, Dist 1; D'Allesandro, Dist 20; Gionet, Graf 3; M. Tremblay, Coos 4; Eaton, Graf 1; Umberger, Carr 1: Transportation)

11-1036

SB 139-FN, relative to state recoveries of public assistance caused by fraud. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Bradley, Dist 3; Larsen, Dist 15; Merrill, Dist 21: Judiciary)

11-1057

SB 140-FN, relative to the disposition of military justice fines. (Barnes, Jr., Dist 17; Merrill, Dist 21; Boutin, Dist 16: Public and Municipal Affairs)

11-1066

SB 141-FN, requiring drivers who are residents of foreign countries to have insurance. (Bradley, Dist 3: Commerce)

11-1026

SB 144, relative to extending certain permits and approvals. (Carson, Dist 14; Odell, Dist 8; B. Patten, Carr 4; Renzullo, Hills 27: Energy and Natural Resources)

11-0215

SB 147-FN, relative to Medicaid managed care. (Bradley, Dist 3; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Luther, Dist 12; Morse, Dist 22; Odell, Dist 8; Sanborn, Dist 7; White, Dist 9; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14: Health and Human Services)

11-0258

SB 148-FN, relative to health insurance coverage and directing the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. (De Blois, Dist 18; Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Bragdon, Dist 11; Carson, Dist 14; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Morse, Dist 22; Odell, Dist 8; Rausch, Dist 19; Sanborn, Dist 7; Stiles, Dist 24; White, Dist 9: Commerce)

11-0458

SB 150-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Luther, Dist 12; Morse, Dist 22; Odell, Dist 8; Prescott, Dist 23; Rausch, Dist 19; Sanborn, Dist 7; White, Dist 9: Commerce)

11-0763

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. (Gallus, Dist 1; Tholl, Coos 2: Executive Departments and Administration)

11-0986

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. (Gallus, Dist 1; Odell, Dist 8; D'Allesandro, Dist 20; Umberger, Carr 1; St. Cyr, Belk 5; Spang, Straf 7; Chandler, Carr 1; Kappler, Rock 2: Finance)

11-1005

SB 162-FN, relative to federal health care reform 2010. (White, Dist 9; Barnes, Jr., Dist 17; Boutin, Dist 16; Bradley, Dist 3; Bragdon, Dist 11; Carson, Dist 14; Forrester, Dist 2; Gallus, Dist 1; Groen, Dist 6; Morse, Dist 22; Rausch, Dist 19; Sanborn, Dist 7; Stiles, Dist 24; Hunt, Ches 7; Avard, Hills 20; D. McGuire, Merr 8; Accornero, Belk 4: Commerce)

11-1020

SB 164, relative to the personal needs allowance of residents of nursing homes. (Larsen, Dist 15; Kelly, Dist 10; Merrill, Dist 21; Houde, Dist 5; Williams, Merr 11; Gile, Merr 10; Pilliod, Belk 5; MacKay, Merr 11: Health and Human Services)

11-1051

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Luther, Dist 12; Bradley, Dist 3; White, Dist 9; Lambert, Dist 13; Odell, Dist 8: Ways and Means)

11-0967

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. (Carson, Dist 14; Bradley, Dist 3; Bragdon, Dist 11; Groen, Dist 6; White, Dist 9; Lambert, Dist 13; Luther, Dist 12; Rausch, Dist 19; Stiles, Dist 24; B. Patten, Carr 4; Bettencourt, Rock 4; Kidder, Merr 1; Renzullo, Hills 27: Executive Departments and Administration)

11-0969

SB 171, relative to prescription drug benefits for the treatment of pain. (Carson, Dist 14; Stiles, Dist 24; Rosenwald, Hills 22; Case, Rock 1: Health and Human Services)

11-1009

SB 172, relative to performance-based school accountability criteria. (Kelly, Dist 10; Merrill, Dist 21; Stiles, Dist 24: Education)

11-1012

SB 173, proclaiming January 24 of each year as Granny D. Day. (Kelly, Dist 10; Carson, Dist 14; D'Allesandro, Dist 20; Larsen, Dist 15: Public and Municipal Affairs)

11-1022

SB 174, relative to the Concord regional solid waste/resource recovery cooperative. (Larsen, Dist 15; Houde, Dist 5; Kelly, Dist 10; Boutin, Dist 16: Public and Municipal Affairs)

11-1031

SB 175, regulating the commercial use of a person's identity. (Odell, Dist 8; Houde, Dist 5; Chandler, Carr 1; Daniels, Hills 6: Commerce)

11-1035

SB 176, relative to marriage licenses. (D'Allesandro, Dist 20; Kelly, Dist 10; Houde, Dist 5; Gallus, Dist 1: Judiciary)

11-1044

SB 177, relative to training of directors and officers of nonprofit corporations. (Odell, Dist 8; Carson, Dist 14; Day, Hills 7: Executive Departments and Administration)

11-1053

SB 178, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning. (Kelly, Dist 10; Merrill, Dist 21; Larsen, Dist 15; D'Allesandro, Dist 20; Houde, Dist 5; Ladd, Graf 5: Education)

11-1060

SB 179, relative to qualified purchasing alliances. (Merrill, Dist 21; Stiles, Dist 24; P. Schmidt, Straf 4; Andolina, Straf 6; D. Hooper, Straf 5; Waters, Straf 4: Commerce)

11-0932

SCR 1, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States. (Sen. Groen, Dist 6; Sen. De Blois, Dist 18; Sen. Gallus, Dist 1; Sen. Sanborn, Dist 7; Sen. White, Dist 9; Rep. Hoell, Merr 13; Rep. Groen, Straf 1: Internal Affairs)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 32, relative to statutory references to the choice and duties of town auditors.

HB 77, relative to amendments to warrant articles.

HB 88, relative to liquor enforcement and liquor licensing.

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee.

HB 92, relative to expiration of licenses issued by the board of foresters.

HB 119, relative to agency membership on the information technology council.

INTRODUCTION OF HOUSE BILL

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

First and Second Reading and Referral

HB 77, relative to amendments to warrant articles. (Public and Municipal Affairs)

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

February 3, 2011

The Senate reconvened at 12 p.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

The word "discretion" in the Middle Ages meant much more than the word does now; now it means secret-keeping, or not speaking. But, it came with its root in "discretio", which meant both discernment and discretion. So, discernment was: "What shall I do, or what am I called to do?" and, discretion was: "How do I work that plan out? How do I move forward in the midst of having decided what I'm going to do?" And, the combination of the two are to leadership like flour and yeast are to bread. To practice both well is to let go of immediate or personal gratification and separates a politician from a leader in the church or in government.

It seems to me that the art of leadership is more than just deciding what to do; it's deciding what not to do and what not to say. I'm always stunned to see how similar are leadership in government and in the church. The question in the church is to elect people good at being bishops, not to elect people good at becoming bishops. And, I suspect, so, too, in the Senate. Let us pray.

God of all being, assist us in being good humans, and out of that decision, to be good leaders. Guide us in knowing what is next, and so also guide us in knowing what is not next, but could have been. And then, sit with us as we mourn that from which we have turned away, so that we may embrace that which we know to be right. *Amen.*

Sen. Houde led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. We're honored today to have a sitting Senator from our sister state of Massachusetts with us. Senator? Senator Baddour. Senator Baddour is Vice Chair of the Ways and Means Committee in the Massachusetts Senate, but he's been very helpful to New Hampshire on transportation issues. He was Chair of the Transportation Committee in the last session of the Massachusetts Legislature.

We also have a former Massachusetts State Senator: retired State Trooper, former State Senator, James Jajuga. We in Manchester know James very well because his son is one of our distinguished patrolmen in the City of Manchester and does a terrific job for us in the City of Manchester.

And, our other guest: John Chemaly. John is a businessman who's been very active in Massachusetts and is looking to extend his area of operations to New Hampshire. John, welcome to the Senate. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I would like to introduce our Page today. Our Page today is Emma Nelson. Emma is 16 and attends Bishop Brady High School. She's in the 10th grade, and her hometown is Concord, New Hampshire. Her favorite school subject is history, her favorite book is *To Kill A Mockingbird*, and she enjoys tennis, reading, running, travel, and skiing. In the future, she hopes to go to college and become a lawyer like her parents, who I know really well. I've seen Emma growing up over the years, and it's wonderful to have you here. I understand you even, at Kimball School, impersonated me for History Day. So, thank you, Emma; great to have you here, and enjoy being with us today. Thanks.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. Up in the gallery we have Representative Hoelzel, and we also have Peter Buckingham; both of those folks are constituents of mine from the great Town of Raymond.

SUSPENSION OF SENATE RULES

Sen. Bradley moved that Senate Rule 4-2 be suspended in order to dispense with a notice of the committee report in the Senate Calendar on HB 77.

The question is on the motion to suspend the rules. Adopted by necessary 2/3 vote.

COMMITTEE REPORTS

HB 77, relative to amendments to warrant articles. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 77 Ought to Pass. This is the exact same bill as Senate Bill 16, which came before the Senate on January 19th, 2011, and was adopted.

This bill requires a town that has adopted official ballot voting to retain the substance of the subject matter of a warrant article when it is amended.

Some towns, such as the Town of Raymond, start their deliberative sessions on Saturday, February 5th: two days from now. It is hoped this bill can be passed and signed into law in a timely fashion so as to enable citizens to vote by ballot on the original subject matter of the warrant article at the March elections.

Therefore, the Public and Municipal Affairs Committee recommends House Bill 77 be adopted.

I'd like to add a little bit to that; I'm not going to take a 2-17, which is a new rule that we have. I'd like to give a little bit of thanks before I sit down. And, the thanks goes to a lot of folks; it goes to the staffs of the House and the Senate, the Speaker of the House, who's been very helpful

with this piece of legislation – it has had a hiccup or two along the way to this chamber today. The Governor has, incidentally, promised to sign this bill; I don't know if it's going to be this afternoon or tomorrow. So, I want to thank him; obviously, he's the end of the road on this piece of legislation. So, thank you, Governor, if you're listening; if you're not, thank you anyway.

But, I want to point out a couple of people that are very important to this. One of them is Senator Boutin, who was able to cure one of the big hiccups that started with this piece of legislation; he cured it very nicely. He must have scared somebody; their hiccups went away.

And, to you, Mister President, for you and your staff for making this moment possible; this is nothing but a citizens' bill. And, when the Governor signs it, I hope some of you folks can be up there to be there when he puts his signature on the bill. And, incidentally, the municipal and county government would appreciate your vote on this, positive. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Mister President, I would note that I do not have a copy of House Bill 77, and I wonder if anyone else does. It would be useful if we're going to go on the good word of our Senator that we also have the good words that come from the House so we could look at them before we vote on those. So, if we could have a copy of House Bill 77...

PRESIDENT BRAGDON: Best to get that done.

SENATOR LARSEN: Thank you.

Recess. Out of recess.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: We appreciate the words, and we are all set.

The question is on the adoption of committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 24-FN-L, exempting the Unity school district from the moratorium on school building aid. Education Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

SENATOR KELLY: Yes, thank you, Mister President. I move Senate Bill 24-FN-L Ought to Pass. This legislation exempts the Unity school district from the current moratorium on school building aid.

The intent of the legislation that created the suspension of new school building aid was to ensure long-term financial sustainability of state aid for school buildings, and it provided a waiver to ensure that all children attend safe schools.

The Unity School situation is unique in that the moratorium on school building aid was never intended to close a school indefinitely. The Town of Unity deliberated over their current situation, and together, with assistance from a local architect, they were able to pass a bond to build a safe school for the children of their community.

The legislation before you today would assist them in the construction, and ultimately provide the Town of Unity with an adequate and safe environment to educate their own children. There is widespread support in the community and amongst the members of the State School Board of Education to pass this legislation.

Therefore, the Education Committee recommends that Senate Bill 24-FN-L Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 19, relative to the definition of “prime wetlands.” Energy and Natural Resources Committee. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Energy and Natural Resources

January 27, 2011

2011-0092s

06/10

Amendment to SB 19

Amend the bill by replacing section 1 with the following:

1 Local Option; Prime Wetlands. Amend RSA 482-A:15, I to read as follows:

I. Any municipality, by its conservation commission, or, in the absence of a conservation commission, the planning board, or, in the absence of a planning board, the local governing body, may undertake to designate, map, and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries. For the purposes of this chapter, “prime wetlands” shall mean any areas *of very poorly drained soils* falling within the jurisdictional definitions of RSA 482-A:3 and RSA 482-A:4 that possess one or more of the values set forth in RSA 482-A:1 and that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance. *The designation of any prime wetland by the department prior to the effective date of this paragraph shall remain in effect.* The commissioner shall adopt rules under RSA 541-A relative to the form, criteria, and methods that shall be used to designate, map, and document prime wetlands, determine boundaries in the field, and amend maps and designations once filed and accepted by the department under paragraph II.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 19 Ought to Pass with Amendment. This legislation was introduced to modify the definition of “prime wetlands” in order to provide a clearer understanding of the concept and bring it back to its original intent, as the changes to the definition led to confusion for towns, the Department of Environmental Services, and applicants.

The bill as introduced sought to add the language of “five acres or more” and “very poorly drained soils” to allow field delineation of the prime wetlands boundary and a 100-foot buffer to be placed on scientific immeasurable soil features. But, the bill was amended to remove the proposed language of “five acres or more” after the Committee determined that the size doesn’t necessarily determine the functionality and value that the wetland may have for a particular municipality.

Additionally, the bill as amended seeks to clarify that the designation of any prime wetland by the Department prior to the effective date shall remain in effect. Prime wetlands give towns the ability to look at their resources and seek to designate the wetland resources that provide the highest value and function for them.

That being said, the Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you.

The question is on the adoption of Committee Amendment. Adopted.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 26, establishing a committee to study the classification of motor vehicles. Transportation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Senate Transportation

January 27, 2011

2011-0095s

03/04

Amendment to SB 26

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 120 days of the effective date of this section. Four members of the committee shall constitute a quorum.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 26 Ought to Pass with Amendment. This bill seeks to establish a committee to study the classification of motor vehicles.

The Committee heard from the Director of the Department of Motor Vehicles, who stressed that there are many different types of motor vehicles on the roadways today that are classified, unclassified, or improperly classified at this time. The Department of Motor Vehicles would like the study committee to examine current classifications and create new classifications in an effort to properly classify all motor vehicles, whether they are the three-wheeled motorcycle or the plug-in car, for the safety and the benefit of the citizens of the State of New Hampshire.

The Committee amended the bill by changing the first meeting requirement from 45 days to 120 days. This was done in an effort to allow the study committee to meet after the conclusion of the current legislative session.

The Transportation Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of Committee Amendment. Adopted.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 31, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age. Transportation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Senate Transportation

January 27, 2011

2011-0096s

03/04

Amendment to SB 31

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR KELLY: Thank you, Mister President. I move SB 31 Ought to Pass with Amendment. This bill seeks to clarify the procedure for revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age.

The Committee heard from the Department of Safety and the district and family courts, who both agreed this bill fixes unintentional consequences of existing law. Currently, if the Department of Safety receives a conviction notice for drug or alcohol involvement by persons under 21 years of age, the Department of Safety will automatically suspend the person's driver's license, even if the presiding judge did not order the suspension.

This bill would allow the Department of Safety only to suspend the driver's license of a person under 21 years of age convicted of drug or alcohol involvement if the presiding judge affirmatively orders the suspension.

The Transportation Committee amended line 30 of the original bill. This amendment changed the effective date of the bill from January 1, 2012, to making the bill effective upon passage.

The Transportation Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of Committee Amendment. Adopted.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 19, relative to the definition of "prime wetlands."

SB 26, establishing a committee to study the classification of motor vehicles.

SB 31, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age.

HB 77, relative to amendments to warrant articles.

ANNOUNCEMENTS

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Yes, thank you, Mister President. I did forget to thank one party that was very important in House Bill 77. The Municipal Association did a great job making sure that all the t's were crossed and the i's were dotted, and I want to thank them.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing

legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

11-0941

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax. (Odell, Dist 8: Energy and Natural Resources)

11-0417

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Larsen, Dist 15; Kelly, Dist 10; Houde, Dist 5; Merrill, Dist 21: Executive Departments and Administration)

11-0943

SB 56-FN, authorizing the department of revenue administration to accept credit card payments of taxes. (Odell, Dist 8: Ways and Means)

11-0999

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. (Odell, Dist 8: Ways and Means)

11-1000

SB 70-FN, relative to remedies in landlord-tenant actions. (De Blois, Dist 18: Commerce)

11-1002

SB 71-FN, relative to health care fees in workers' compensation. (Boutin, Dist 16: Commerce)

11-1042

SB 74-FN, relative to the life settlements act. (Bragdon, Dist 11: Commerce)

11-0525

SB 75-FN, relative to notification by the retirement system to the department of administrative services of law and rule changes; the availability of public documents of the retirement system; and clarification of part-time service. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Larsen, Dist 15; Goley, Hills 8; D. Sullivan, Hills 8: Executive Departments and Administration)

11-0777

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. (Sanborn, Dist 7; White, Dist 9; Bradley, Dist 3; Rausch, Dist 19; De Blois, Dist 18; Groen, Dist 6; Luther, Dist 12; Forsythe, Dist 4; Forrester, Dist 2; T. Keane, Merr 13; Cohn, Merr 6; D. McGuire, Merr 8; Bettencourt, Rock 4; Jennifer Coffey, Merr 6: Executive Departments and Administration)

11-0940

SB 79-FN, authorizing the department of revenue administration to impose administrative fines for timber tax violations. (Odell, Dist 8: Ways and Means)

11-0953

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies. (Morse, Dist 22: Executive Departments and Administration)

11-0966

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. (Carson, Dist 14; Forsythe, Dist 4; Stiles, Dist 24; Ingbreton, Graf 5; Hunt, Ches 7: Education)

11-0994

SB 83-FN, enabling municipalities to create other post-employment benefits (OPEB) trusts. (Merrill, Dist 21; Watters, Straf 4; P. Schmidt, Straf 4; Pelletier, Straf 5; Andolina, Straf 6; D. Hooper, Straf 5: Public and Municipal Affairs)

11-0933

SB 84-FN, relative to state regulation of the septic system installation process. (Groen, Dist 6; Sanborn, Dist 7; Lambert, Dist 13; Forsythe, Dist 4; Barnes, Jr., Dist 17; Carson, Dist 14: Energy and Natural Resources)

11-0204

SB 124-FN, relative to the comprehensive shoreland protection act. (Gallus, Dist 1; Sapareto, Rock 5; Eaton, Graf 1: Energy and Natural Resources)

11-0420

SB 129-FN, requiring valid photo identification to vote in person. (Carson, Dist 14; Barnes, Jr., Dist 17; Tucker, Rock 17: Public and Municipal Affairs)

11-0761

SB 131-FN, repealing the exemption for water and air pollution control facilities from local property taxation. (Gallus, Dist 1; Kurk, Hills 7; Taylor, Graf 2: Ways and Means)

11-0779

SB 132-FN-A-LOCAL, establishing exemptions from the real estate transfer tax. (Sanborn, Dist 7; Bragdon, Dist 11; Forsythe, Dist 4; White, Dist 9; Bradley, Dist 3; Rausch, Dist 19; Groen, Dist 6; De Blois, Dist 18; Forrester, Dist 2; Major, Rock 8; T. Keane, Merr 13; D. McGuire, Merr 8; Bettencourt, Rock 4; Jennifer Coffey, Merr 6: Ways and Means)

11-0970

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Carson, Dist 14; D'Allesandro, Dist 20; Major, Rock 8; Griffin, Rock 4: Ways and Means)

11-1004

SB 134-FN, relative to jury trials under the consumer protection act. (Boutin, Dist 16: Judiciary)

11-1032

SB 136-FN, relative to games of chance. (Odell, Dist 8: Ways and Means)

11-1034

SB 138-FN-A, eliminating the lottery commission and establishing the education lottery authority. (D'Allesandro, Dist 20; Gallus, Dist 1: Ways and Means)

11-1067

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services. (Odell, Dist 8; Luther, Dist 12: Energy and Natural Resources)

11-1068

SB 143-FN, requiring the commissioner of administrative services to develop a proposal for state employees to make monetary contributions to a health savings account or other tax-advantaged account. (White, Dist 9; Bradley, Dist 3; Sanborn, Dist 7; Hawkins, Hills 18; Avard, Hills 20; Hunt, Ches 7: Executive Departments and Administration)

11-1018

SB 145-FN, relative to state employees who volunteer as election workers. (Larsen, Dist 15: Executive Departments and Administration)

11-0214

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Morse, Dist 22; Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Bragdon, Dist 11; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Odell, Dist 8; Prescott, Dist 23; Sanborn, Dist 7; Stiles, Dist 24; White, Dist 9; Carson, Dist 14: Finance)

11-0456

SB 149-FN-A-LOCAL, relative to the rate of the meals and rooms tax and the distribution formula for meals and rooms tax revenue. (Stiles, Dist 24; Bradley, Dist 3; Carson, Dist 14; De Blois, Dist 18; Gallus, Dist 1; Lambert, Dist 13; White, Dist 9; K. Sullivan, Rock 15; K. Murphy, Hills 18: Ways and Means)

11-0459

SB 151-FN, relative to contracts of the department of health and human services. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Lambert, Dist 13; Luther, Dist 12; Sanborn, Dist 7; White, Dist 9; Kurk, Hills 7; Weyler, Rock 8; Tucker, Rock 17; Chandler, Carr 1; Bettencourt, Rock 4: Health and Human Services)

11-0528

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. (D'Allesandro, Dist 20; Gallus, Dist 1; Odell, Dist 8; Larsen, Dist 15; Houde, Dist 5; D. Sullivan, Hills 8: Executive Departments and Administration)

11-0810

SB 154-FN, reforming the comprehensive shoreland protection act. (Bradley, Dist 3; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Stiles, Dist 24; White, Dist 9; B. Patten, Carr 4; Ahlgren, Carr 4; Umberger, Carr 1; Chandler, Carr 1; Bettencourt, Rock 4: Energy and Natural Resources)

11-0929

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax. (Forrester, Dist 2; Gallus, Dist 1; Forsythe, Dist 4; Sanborn, Dist 7; Worsman, Belk 3; Chandler, Carr 1: Ways and Means)

11-0930

SB 156-FN-LOCAL, authorizing retail vehicle dealers to act as agents of the division of motor vehicles in the issuance of vehicle titles and registrations. (Sanborn, Dist 7; Lambert, Dist 13; Bragdon, Dist 11; Luther, Dist 12; Merrill, Dist 21; Gallus, Dist 1; White, Dist 9; Bradley, Dist 3; Rausch, Dist 19; Morse, Dist 22; Groen, Dist 6; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; T. Keane, Merr 13; Cohn, Merr 6; Kreis, Merr 6; Jennifer Coffey, Merr 6; Bettencourt, Rock 4: Commerce)

11-0971

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. (Carson, Dist 14; Bradley, Dist 3; Barnes, Jr., Dist 17; B. Patten, Carr 4: Executive Departments and Administration)

11-0991

SB 159-FN-LOCAL, establishing a state infrastructure bank. (Carson, Dist 14; D'Allesandro, Dist 20; Barnes, Jr., Dist 17; Gallus, Dist 1; Kelly, Dist 10; Lambert, Dist 13; Larsen, Dist 15; Merrill, Dist 21; Odell, Dist 8; White, Dist 9; Osgood, Sull 4; Major, Rock 8; Jennifer Coffey, Merr 6: Transportation)

11-0992

SB 160-FN, relative to the definition and regulation of installment loans. (Carson, Dist 14; Boutin, Dist 16; Matt Quandt, Rock 13; Sapa-reto, Rock 5: Commerce)

11-0995

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. (Merrill, Dist 21; Stiles, Dist 24; Carson, Dist 14; P. Schmidt, Straf 4; Norelli, Rock 16; Pilotte, Hills 16; B. Patten, Carr 4; C. McGuire, Merr 8: Executive Departments and Administration)

11-1006

SB 163-FN, relative to the New Hampshire health benefit exchange. (White, Dist 9; Barnes, Jr., Dist 17; Bradley, Dist 3; Bragdon, Dist 11; Groen, Dist 6; Sanborn, Dist 7; Hunt, Ches 7; Avard, Hills 20; Accornero, Belk 4: Commerce)

11-1045

SB 165-FN, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax. (Odell, Dist 8; Morse, Dist 22; Larsen, Dist 15; Lambert, Dist 13; Bradley, Dist 3: Finance)

11-1046

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. (Carson, Dist 14; D'Allesandro, Dist 20; Bradley, Dist 3; Lambert, Dist 13; Baldasaro, Rock 3; Tamburello, Rock 3; Introne, Rock 3: Executive Departments and Administration)

11-1050

SB 167-FN-A-LOCAL, establishing a production jobs creation credit under the business enterprise tax and making changes affecting small business to the business profits tax, the business enterprise tax, and the meals and rooms tax. (Bradley, Dist 3; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; De Blois, Dist 18; Forsythe, Dist 4; Gallus, Dist 1; Lambert, Dist 13; Luther, Dist 12; Rausch, Dist 19; Stiles, Dist 24; White, Dist 9; Chandler, Carr 1; O'Brien, Hills 4; Bettencourt, Rock 4: Ways and Means)

11-1055

SB 169-FN, relative to campaign expenditures and contributions by business organizations and labor unions. (Houde, Dist 5; Merrill, Dist 21; Larsen, Dist 15; D'Allesandro, Dist 20; Kelly, Dist 10: Public and Municipal Affairs)

11-1017

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. (Larsen, Dist 15; Merrill, Dist 21; D'Allesandro, Dist 20; Kelly, Dist 10; Shurtleff, Merr 10: Judiciary)

11-0196

SB 181-FN-LOCAL, relative to distribution of funds for education. (Bradley, Dist 3; Gallus, Dist 1; Odell, Dist 8; Carson, Dist 14; Boutin, Dist 16; Barnes, Jr., Dist 17; Forsythe, Dist 4; Stiles, Dist 24; Forrester, Dist 2; Sanborn, Dist 7; White, Dist 9; Luther, Dist 12; De Blois, Dist 18; Rausch, Dist 19; Chandler, Carr 1; Bettencourt, Rock 4; O'Brien, Hills 4; Tucker, Rock 17; Ahlgren, Carr 4: Finance)

11-0912

SB 182-FN-A-LOCAL, relative to video lottery and table gaming, providing property tax relief for local economies, providing services for problem gamblers, and promoting tourism and public safety. (D'Allesandro, Dist 20; Rausch, Dist 19; Gallus, Dist 1: Ways and Means)

11-1029

SB 183-FN-LOCAL, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. (Rausch, Dist 19; Stiles, Dist 24; Bradley, Dist 3; Carson, Dist 14; Sanborn, Dist 7; Bragdon, Dist 11; Luther, Dist 12; Gallus, Dist 1; Boehm, Hills 27; Bolster, Belk 5; Fleck, Carr 5; Chandler, Carr 1; Weyler, Rock 8: Finance)

11-1052

SB 184, extending the commission to study water infrastructure sustainability funding. (Kelly, Dist 10; Merrill, Dist 21; Houde, Dist 5; Larsen, Dist 15; D'Allesandro, Dist 20; Odell, Dist 8: Energy and Natural Resources)

11-0416

SB 185-FN, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. (D'Allesandro, Dist 20; Schlachman, Rock 13; Gidge, Hills 24: Executive Departments and Administration)

11-0421

SB 186-FN, repealing the exemption from the consumer protection act for certain regulated trade and commerce. (Carson, Dist 14; Goley, Hills 8; Marshall Quandt, Rock 13; Jennifer Coffey, Merr 6: Executive Departments and Administration)

11-0990

SB 187, relative to fair debt collection. (Carson, Dist 14; Boutin, Dist 16; Bettencourt, Rock 4; Matt Quandt, Rock 13; Jennifer Coffey, Merr 6; Chandler, Carr 1: Commerce)

11-1041

SB 188-FN, relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities. (Bragdon, Dist 11; White, Dist 9: Executive Departments and Administration)

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 77, relative to amendments to warrant articles.

Sen. Bradley moved adoption of the Report of Committee on Enrolled Bills. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 11-L, relative to the police commission in the town of Hooksett.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

HB 42, relative to the appropriate officials with whom to file for a primary.

HB 45, relative to the Connecticut Lakes headwater citizens committee.

HB 51, relative to screening panel members for screening panels for medical injury claims.

HB 55, adding a member to the exotic aquatic weeds and species committee.

HB 56, relative to proper observance of September 11, 2001.

HB 63, extending the instream pilot program for one year.

HB 67, expanding the duties of the school administrative unit oversight committee.

HB 69, relative to the community college system of New Hampshire academic centers.

HB 70, relative to changes to town charters.

HB 74, relative to the ticketing and season passes at Cannon Mountain.

HB 79, relative to certification of dogs for law enforcement work.

HB 86, relative to filling a vacancy among county officers.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business.

HB 111, relative to redispensing unused drugs.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education.

HB 136-FN, repealing the uniform athlete agents act.

HB 142-FN, relative to sales of artificial flowers and miniature flags.

HB 143, relative to the sale of stove polish.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints.

HB 155, relative to permits to conduct raffles.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie.

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

HB 173, relative to service of process on commercial tenants.

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

HB 192, relative to commercial motor vehicle registration.

HB 195, relative to special permits for transportation of deer.

HB 198, relative to the investment options for county funds.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

February 15, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

From the Screwtape letters – a message from the devil to his demon about ruining human lives:

“Music and silence – how I detest them both! How thankful we should be that ever since Our Father entered Hell... no square inch of infernal space and no moment of infernal time has been surrendered to either of those abominable forces. But all has been occupied with noise – noise, the grand dynamism, the audible expression of all that is exultant, ruthless and virile – noise, which alone defends us from silly qualms, despairing scruples, and impossible desires. We will make the whole universe a noise in the end! We have already made great strides in this direction as regards the Earth. The melodies and silences of Heaven will be shouted down in the end.”

It is important, as your chaplain, that I remind you of the value of silence in daily life – a period of wordlessness. Daily time with a candle, with beautiful music – not driving! – with a walk in the woods in prayer or simply in reflection – the three questions – “What is going well, what is not going well, what needs to be changed?” This reflection is essential

to the human spirit finding its way in the world and making good decisions on each other's behalf. It is as important for you to have silence as it is for a pilot to have sleep.

Let us pray:

God of all silence, your language is silence, you create in silence, and you love in silence. Help us to reflect your love to a cold world by keeping silence and listening to our hearts and not just the storm of words which surround us.
Amen.

Sen. Sanborn led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Recess. Out of recess.

HOUSE MESSAGE

The Clerk read the following Message from the House:

The House of Representatives is ready to meet with the Honorable Senate in Joint Convention for the purpose of hearing the Budget Address by his Excellency, the Governor, John H. Lynch.

RESOLUTION No. 8

Sen. Bradley offered the following Resolution:

RESOLVED, that the Senate notify the Honorable House that it is ready to meet in Joint Convention for the purpose of hearing the Budget Address by his Excellency, Governor John H. Lynch.

Adopted.

Recess. Out of Recess.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Forrester moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Forrester moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 11-L, relative to the police commission in the town of Hooksett.

Sen. Bradley moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

February 16, 2011

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

The email signature on my email at work that has my basic contact information also has two quotes, and I use it kind of like bumper stickers on the back of your car; I've never had a bumper sticker because I've been told that that's your thing; that's what you want the world to know, and I've never found one that said that. But, these email signatures do. And, they are from two great leaders: one is from Jesus Christ, of whom I'm a great fan, and one is of Ghandi, of whom I'm also a great fan. And, I've been told that by keeping these email signatures on my email, I might not ever be elected Bishop, which is just an added benefit.

Jesus says: "Love one another." Ghandi says: "I like your Christ. I do not like your Christians; they are not very much like your Christ." Our goal in life, in our spiritual walk, in our work, whatever it happens to be, is to identify who we follow, and then to do so with enormous integrity. Let us pray.

Creator of the Universe and Lover of our Souls, so inspire us to integrity that our actions and our speech, our heroes and our work, the love and kindness you implant in us work together as one thing. Amen.

Sen. Groen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

SENATOR LUTHER: It's my pleasure to introduce our two Pages; they're both from Hollis Brookline High School in Hollis – my town. And, we have Nicolas Gamache, who is the grandson of Jim Belanger, who is a Representative from our town. He's 14 and in the ninth grade. And, his favorite book is *Shiloh* and he writes. So, he's a great writer.

And, I also want to welcome Sara Lunderville. She's in the 12th grade; she's 17. And, she's going to be going to Daniel Webster next year and studying psychology.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I'm pleased today to introduce a Boy Scout Troop and their leader from Grafton, which is in Senate District 5. Welcome.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. It's my great pleasure to introduce Carl and Linda Johnson, who are here today to be present for Senate Bill 85. I'd also like to welcome Representative Wendelboe – former Representative Wendelboe – who's here as well. Thank you.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: SB 127-FN, SB 140-FN.

COMMITTEE REPORTS**SPECIAL ORDER**

Without objection, SB 85 is Special-Ordered to the beginning of today's Session Calendar.

PUBLIC AND MUNICIPAL AFFAIRS

SB 85, naming a bay in the town of Meredith Johnson Bay. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move Senate Bill 85 Ought to Pass. This bill names a bay in the Town of Meredith Johnson Bay in honor of former New Hampshire State Senator Carl Johnson and his wife, Jeanette. Both of these individuals worked tirelessly on behalf of our lakes as well as the loon population. Senator Johnson strived to balance the needs of the business community with a commitment to protecting the environment and preserving the quality of life in New Hampshire. Jeanette and Carl linked arms on most issues, and Jeanette spent almost as much time in Concord as her husband did. She was fondly referred to at times as "the 25th Senator". This bill is a fitting thank you to the Johnsons for their service to the Lakes Region and the State of New Hampshire.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 85 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Barnes, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

COMMERCE

SB 49, relative to tip pooling arrangements. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

Sen. Sanborn moved to Table SB 49. Adopted.

SB 62, relative to persons participating in the return to work program. Ought to Pass, Vote 4-0. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I move Senate Bill 62 Ought to Pass. This bill was a request of the Department of Employment Security, and exempts all individuals who participate in the New Hampshire Return to Work program from the definition of "employment". Senate Bill 62 will help make job training available to more New Hampshire residents who are trying to rejoin the workforce. No one in front of the Committee spoke in opposition to the bill.

Please join the Commerce Committee and vote Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 116, relative to the manufactured housing installation standards board. Ought to Pass with Amendment, Vote 5-0. Senator Prescott for the committee.

Commerce
February 8, 2011
2011-0230s
05/04

Amendment to SB 116

Amend the bill by replacing all after section 2 with the following:

3 Manufactured Housing Installation License; Bond Required. Amend RSA 205-D:9, I to read as follows:

I. The board shall not issue a license to any person unless the person *or his employer on his behalf* has posted a surety bond or letter of credit to be held by the state treasurer in an amount to be determined by the board. No surety bond or letter of credit shall be accepted unless it is with a surety company authorized to do business in this state. The surety may cancel the bond or letter of credit at any time upon giving 30 days' written notice to the board.

4 Effective Date. This act shall take effect upon its passage.

2011-0230s

AMENDED ANALYSIS

This bill:

I. Requires a licensed installer or manufacturer to attach a warranty seal to a manufactured home.

II. Removes the requirement that the manufactured housing installation standards board meet at least every 90 days and permits the board to meet at the call of the board or the chairperson.

III. Provides that a licensed installer's employer may file the required surety bond or letter of credit on behalf of the licensee.

SENATOR PRESCOTT: Thank you, Mister President. Senate Bill 116 was unanimously voted Ought to Pass with Amendment out of the Commerce Committee. This bill requires a licensed installer or manufacturer to attach a warranty seal to a manufactured home. Warranty seals are used to keep track of who manufactured and installed a manufactured home and are available through the manufacturer. This bill also removes the requirement that the Manufactured Housing Installation Standards Board meet at least every 90 days and permits the Board to meet at the call of the Board or the chairperson.

The committee amendment also allows the installation company for the manufactured home to post a bond for an installing employee, and lastly moves the effective date to upon passage.

Please join the Commerce Committee and vote Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. White asserts Rule 2-15 on SB 116.

The question is on the adoption of committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 116.

EDUCATION

SB 37, relative to the determination of residency for certain pupils. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 37 Ought to Pass. This legislation provides further detail on the procedure for resolving residency disputes. In cases where a child is homeless or when a parent is activated for military service and the child must live with a relative, the child's residency, and therefore school district, is questioned. The current process requires the school superintendant to make that determination. The superintendant may also request the Commissioner of Education to resolve the issue. This legislation sets a timeline of 14 days in which the residency dispute must be resolved. In complex cases where a resolution is not imminent, the deadline is extended to 30 days. Senate Bill 37 amends RSA 193:12, VI. (a) by providing the parents a voice in making the request of the Commissioner when disputes over residency of a pupil arises.

The Education Committee recommends that Senate Bill 37 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 45, relative to criteria for designation as a Granite State scholar. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

SENATOR KELLY: Thank you, Mister President. I move Senate Bill 45 Ought to Pass. This legislation makes two technical changes to the criteria used in designation of a Granite State scholar and extends the date by which the funds can be distributed. This bill was requested by the New Hampshire Postsecondary Education Commission as a response to scoring change in the SAT tests. The scoring methodology will be changed from a benchmark of 1200 score to 75 percent of the highest aggregate score. The language will also remove the word "ACT" – A-C-T – and replace it with: "another nationally recognized assessment" due to the influx of nationally recognized assessments coming forward. This legislation also extends the date by which funds can be distributed by the New Hampshire Postsecondary Commission from June 1st to July 30th, a 60-day extension. The change comes as a result of a more realistic timeline for fund disbursement.

Therefore, the Education Committee recommends Senate Bill 45 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 67, establishing a committee to study school vouchers and school choice. Ought to Pass with Amendment, Vote 4-1. Senator Forsythe for the committee.

Senate Education
February 9, 2011
2011-0246s
04/01

Amendment to SB 67

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the feasibility including the advantages, disadvantages, and legal issues of implementing a school voucher system to create greater school choice for parents of school-age children. The committee shall solicit testimony from any individual or group with information relevant to the committee's study.

SENATOR FORSYTHE: Thank you, Mister President. I move Senate Bill 67 Ought to Pass as Amended. This legislation establishes a committee to study school vouchers and school choice. This bill was designed to establish a committee to study how school vouchers and school choice may be implemented in New Hampshire. In the past, there has been controversy on the constitutionality of vouchers used to attend religious schools. The Committee chose to adopt language extending the scope of the committee from just implementation to also include the advantages, disadvantages, and legal issues associated with the vouchers.

Therefore, the Education Committee recommends Senate Bill 67 Ought to Pass as Amended and asks for your support. Thank you, Mister President.

The question is on the adoption of Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on SB 67.

SB 96, relative to amending the charter of The Pinkerton Academy. Ought to Pass, Vote 5-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 96 Ought to Pass. This legislation authorizes Pinkerton Academy to amend its charter and ratify all acts taken by the board of trustees prior to the effective date of this act.

The Pinkerton Academy was chartered in 1814, prior to the establishment of RSA 292:7, which allows charters to amend themselves if needed. This bill is designed to bring Pinkerton Academy up to date and file with the Secretary of State's Office.

Therefore, the Education Committee recommends that Senate Bill 96 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 112, relative to the membership on the advanced manufacturing education advisory panel. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Senate Education

February 7, 2011

2011-0213s

08/01

Amendment to SB 112

Amend the title of the bill by replacing it with the following:

AN ACT relative to the membership on the advanced manufacturing education advisory council.

2011-0213s

AMENDED ANALYSIS

This bill adds the commissioner of the department of resources and economic development or his or her designee and 2 directors of regional career and technical centers to the advanced manufacturing education advisory council.

SENATOR KELLY: Thank you, Mister President. I move Senate Bill 112 Ought to Pass as Amended. This legislation adds three additional mem-

bers to the Governor's Advanced Manufacturing Education Council: the Commissioner of DRED, or his designee, and two directors of the career and technical centers.

The Governor's Council was created by legislation in 2008 because legislators recognized then the need for manufacturers and educators to work together in order to provide a prepared manufacturing workforce.

Committee members heard testimony that here in New Hampshire we have an advanced manufacturing industry with current job openings but without potential employees with the necessary skills to fill those jobs. As well, they heard from the Council that the economic vitality of our state depends on creating an education infrastructure that supports manufacturing. Partnerships between manufacturing businesses and education institutions are essential in preparing students and workers for manufacturing careers. Building these collaborative relationships is key to success for both employees and employers in this important viable industry. As well, the Department of Education and DRED are in support of this bill.

SB 112 has been amended to simply replace the word "panel" with "council" in the title.

SB 112 adds additional expertise to the Advanced Manufacturing Education Advisory Council in order for the Council to meet its legislative intent, and to ensure that New Hampshire remains a leader in the manufacturing industry.

Therefore, the Education Committee recommends that Senate Bill 112 Ought to Pass as Amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

SB 21, relative to the definition of "wetlands." Ought to Pass with Amendment, Vote 4-0. Senator Lambert for the committee.

Energy and Natural Resources

February 3, 2011

2011-0176s

06/01

Amendment to SB 21

Amend the title of the bill by replacing it with the following:

AN ACT relative to exemptions from excavating and drainage permits.

Amend the bill by replacing section 1 with the following:

1 Excavating and Dredging Permit; Exemptions. Amend RSA 482-A:3, IV(b) to read as follows:

(b) ***Maintenance of existing*** man-made nontidal drainage ditches, culverts, catch basins, and ponds that have been legally constructed to collect or convey storm water and spring run-off, fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by a local fire chief, and man-made water conveyance systems that are used for the commercial or industrial purpose of collecting, conveying, storing, and recycling water, may be cleaned out when necessary to preserve their usefulness without a permit from the department. Such drainage facilities, fire ponds, intake areas of any hydrants, or man-made water conveyance systems may be

cleaned out by hand or machine; provided, that the facility is neither enlarged nor extended into any area of wetlands jurisdiction of the department of environmental services, dredged spoils are deposited in areas outside wetlands jurisdiction of the department of environmental services, and wetlands or surface waters outside the limits of the constructed drainage facility, fire pond, intake area of a dry hydrant, or man-made water conveyance system are neither disturbed nor degraded.

(c) Any modification to man-made roadside and railroad ditches, gullies, farm ponds, fire ponds, detention basins, wetlands made specifically for stormwater treatment or control, aggregate wash ponds, or sluice ways shall be exempt from a permit under RSA 482-A. No such modification shall be extended into any area of wetlands jurisdiction of the department or to wetlands or surface waters outside of the limits of the constructed drainage facility, roadside or railroad ditches, gullies, farm ponds, fire ponds, or man-made water conveyance system.

2011-0176s

AMENDED ANALYSIS

This bill modifies the exemptions from excavating and drainage permits.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 21 Ought to Pass with Amendment. This legislation was introduced to exempt certain manmade wetlands from the definition of "wetlands". The addition of the new language will allow maintenance corrective actions on manmade wetlands created for various purposes including detention basins and roadside ditches. Many of these have taken on the characteristics of a wetland but they were created to safely and securely hold water. Having to obtain a permit to make changes to these manmade wetlands is an unnecessary burden.

The amendment was introduced when it came to the Committee's attention that the addition of the language in the definition of "wetlands" would change the definition language from that of the federal definition. Therefore, the amendment simply moves the language into excavating and dredging permit exemption section.

I respectfully request that the Senate support the Committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 48, relative to filing of rates for certain telephone services. Re-refer to committee, Vote 4-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 48 be Re-referred to committee. The intent of Senate Bill 48 is to find a reasonable way to move the New Hampshire telecommunication industry into the modern world of competition through appropriate deregulation. The regulation of our major landline phone company in New Hampshire is in need of change to make those regulations more appropriate to today's modern telecommunications environment. In order to adequately ensure the changes in regulation are done appropriately and that there are no unintended consequences, we need to take the time to make sure that we get this correct the first time around. Re-referral will allow the various stakeholders to work on an amended bill which will be thoroughly vetted and ready for

discussion and consideration by the full Senate come January of next year. I respectfully request that the Senate support the Energy and Natural Resources Committee recommendation of Re-referral on Senate Bill 48. Thank you, Mister President.

The question is on the adoption of committee recommendation of Re-refer to Committee. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 25, relative to the Connecticut River Valley resource commission. Ought to Pass, Vote 5-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 25 Ought to Pass. This legislation requires the Connecticut River Valley resource commission to be attached administratively to the Department of Environmental Services. Presently, the Connecticut River Valley resource commission is attached administratively to the Office of Energy and Planning, but their main contact is with the Department of Environmental Services due to the many concerns with environmental issues in the Connecticut Valley and river. With appreciations of the Office of Energy and Planning and with no compelling issues or negative objections regarding this move from one agency to another, the Senate ED&A Committee unanimously recommends that Senate Bill 25 Ought to Pass and is asking for your support in its passage. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 33-FN, relative to retired state employee contributions for medical benefits costs. Ought to Pass, Vote 5-0. Senator Larsen for the committee.

SENATOR LARSEN: Thank you, Mister President. I move Senate Bill 33 Ought to Pass. This bill was the request of the Department of Administrative Services to establish a procedure for the Department to invoice and collect from retired state employees under the age of 65 who are receiving health benefits and who do not receive retirement allowance. This bill would also allow the retirement system to deduct from a monthly retirement allowance of a retired state employee under the age of 65 premium contribution amounts. Further, this bill authorizes the Department of Administrative Services to act on failure to remit payments of contribution amounts. Senate Bill 33 will increase the State's restricted revenue by an indeterminable amount of money.

The Senate ED&A Committee unanimously recommends that Senate Bill 33 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 68, relative to records of disciplinary actions taken by the electricians' board. Ought to Pass, Vote 5-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Senate Bill 68 Ought to Pass. This legislation requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be retained or considered after five years.

According to the State of New Hampshire Department of Safety Division of Fire Safety, if a licensed electrician has received a disciplinary action for the same violation within a five-year period it should be removed from the licensee file and destroyed. It has been shown that after a discipline

proceeding, the licensee will do their job as required by code. The risk of losing their professional license and their livelihood is a major incentive to comply with the code.

The Senate ED&A Committee unanimously recommends that Senate Bill 68 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

FINANCE

SB 103, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

SENATOR BARNES: I move Ought to Pass on this wonderful piece of legislation.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted.

Sen. Barnes moved to Table. Adopted.

JUDICIARY

SB 36, relative to the permanent siting of the Hampton-Exeter District Court. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass on Senate Bill 36. This legislation is very simple and merely extends the date to January 1, 2015 when the permanent siting of the Hampton-Exeter Court must be determined. There is an active group working to locate a site, but the requirement that the land must be available at no cost to the State and accessible to all 14 communities who use this facility have proven to have additional challenges.

The Judiciary Committee recommends that Senate Bill 36 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 65, making technical corrections to a law relative to court facility financing. Ought to Pass, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass on SB 65. This legislation makes technical corrections to the law relative to court facility financing to reflect current procedures for negotiation and approval of leases and was requested by Administrative Services and the Judicial Branch.

While LBA was reviewing some statutes, they brought this outdated statutory language to Administrative Services' attention, thus the filing of SB 65 to make the corrections so that this practice, which dates back to the 1980s, and statute are in synch.

The Judiciary Committee recommends that SB 65 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 73, establishing a committee to study local options for evergreen clauses. Inexpedient to Legislate, Vote 4-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President, and I promise to do a better job than on the preceding one. I move Senate Bill 73 Inexpedient to Legislate. This bill sought to establish a committee to study local options for evergreen clauses.

During the public hearing, Senator D'Allesandro, the prime sponsor, explained his bill was drafted incorrectly and was problematic. He indicated Senator Odell's recent remarks on Senate Bill 1, eliminating the automatic continuation requirement for public employee collective bargaining agreements, are in the record and part of the testimony. Senator D'Allesandro then requested his bill be withdrawn. Senator Odell supported Senator D'Allesandro's request.

Therefore, based on Senator D'Allesandro's recommendations and Senator Odell's recommendations, the Public and Municipal Affairs Committee asks your support in finding Senate Bill 73 Inexpedient to Legislate.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 91, relative to automatic fire suppression sprinklers. Ought to Pass, Vote 3-1. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I've got a busy day ahead of me, so let me get started.

I move Senate Bill 91 Ought to Pass. This bill prohibits municipalities from requiring automatic fire suppression sprinklers in one- and two-family homes. House Bill 1486 of the 2010 Legislative Session resulted in a committee which studied municipal residential fire sprinkler requirements. One of the final recommendations of the study committee called for further study of the feasibility of requiring municipalities to conduct a thorough economic assessment prior to implementing a residential sprinkler mandate.

Public testimony given in favor of Senate Bill 91 centered on the issue being a personal choice for individual homeowners and not a mandate. The expense of such a requirement was also debated, and the fact that adding sprinklers does not increase the appraised value of the home. It was pointed out that no language contained in Senate Bill 91 prohibits the installation of sprinklers if a homeowner desires to do so.

The Public and Municipal Affairs Committee respectfully recommends Senate Bill 91 be adopted and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in opposition to the Ought to Pass motion because I believe that Senate Bill 91 goes too far too fast. The bill eliminates the ability of municipalities to make decisions about sprinkler requirements based on what they believe to be in the best interest of their own towns. I have faith in my own town officials and fire personnel to make those decisions in a way that addresses not only the safety issues involved but that is also sensitive to other issues, including cost to homeowners and, in particular, the goal of providing workforce housing to our citizens.

The study committee – which Senator Boutin also referred to – on residential sprinklers submitted a final report in November, and its final recommendation reads, and I quote: "It is strongly recommended that municipalities not rely on broad mandates to require residential fire

sprinklers, but instead allow for the flexibility and creativity of local planning, safety, and municipal personnel.” I agree with that recommendation, and I urge members to vote against the OTP motion on Senate Bill 91. Thank you, Mister President.

(The Chair recognized Sen. Houde for a question of Sen. Boutin.)

SENATOR HOUDE: Thank you, Senator. I recall this issue coming up last year, and one of the things that I think mitigated some of the concerns was that there’s another statutory provision that allows municipalities, in the case of scattered developments, to require sprinklers. Does this statute do away with the ability of municipalities to require sprinklers in that situation?

SENATOR BOUTIN: No. First of all, when it deals with – Senator, thanks for the question. When it deals with premature or scattered developments, there are several options for communities: They can require...They can ask the applicants to put sprinklers in, the applicants could offer to put sprinklers in, they could require systems, they could require ponds; there’s a number of different options. But, this legislation does not affect that provision – I think it’s RSA 674:36.

SENATOR HOUDE: Thank you.

SENATOR BOUTIN: Yup.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Prescott asserts Rule 2-15 on SB 91.

Sen. Odell is in opposition to the motion of Ought to Pass on SB 91.

SB 115, relative to observing voter check-in. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

SENATOR BOUTIN: I told you, Mister President, it was going to be a busy day. Thank you, Mister President. I move Senate Bill 115 Ought to Pass. This bill amends the statute on observing voter check-in by adding a reference to the statute authorizing the appointment of challengers by party committees. RSA 659:13 states that no one is allowed within six feet of the ballot clerk without permission of the moderator. Problems have arise, however, whereby the individual observing the check-in of the voters sometimes cannot hear the names being announced. RSA 656:4 indicates that this individual needs to see and hear each voter as each...Actually, correction, Mister Chairman, Mister President: As each voter signs in the checklist to vote. This bill clarifies these statutes. These observers are the official challengers. They should be located in close proximity to see and hear what is going on. It ensures the election observer cannot be barred from hearing the name announced.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 115 be adopted and asks for your support. And, I thank you, Mister President. I would just like to add that this legislation as adopted, as amended, has the support of the Secretary of State’s Office.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 127-FN, relative to the city of Manchester’s contributory retirement system. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I rise on behalf of the fair City of Manchester and the wonderful State Senator who sponsored

this piece of legislation: Senator Lou D'Allesandro. I move Senate Bill 127-FN Ought to Pass. This bill makes housekeeping changes to provisions for accidental and ordinary death benefits of members and beneficiaries of the contributory retirement system of the City of Manchester. Back in 1973, the City created its own retirement system, and each time a change is made, approval must be acquired by the Legislature. For a number of years, Manchester has had death benefit provisions ensuring certain benefits are available to the family if a member dies while in service to the City. But, upon examination of the law, a fundamental oversight in the original plan was discovered, and provisions to the in-service death benefit needed to be clarified. The Board of Mayor and Aldermen have approved these changes, and Mayor Gatsas, who doesn't want to come up here any more, submitted a letter to the Committee members urging support of the bill.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 127-FN be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 140-FN, relative to the disposition of military justice fines. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move Senate Bill 140-FN Ought to Pass. The bill, a request from the adjutant general's department, requires military justice fines to be credited to the New Hampshire National Guard recruitment and retention scholarship fund.

Previously, income from the rental property was directed to the scholarship fund, but that has dropped off significantly due to the noncompliance of the Manchester armory with the City of Manchester's fire code. It is in need of a sprinkler system, which would be cost-prohibitive to install. The Department is requesting authority to take the monies from non-judicial punishment and place them into the scholarship fund to support education efforts.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 140-FN be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

TRANSPORTATION

SB 29, relative to the definition of "moped." Ought to Pass with Amendment, Vote 3-0. Senator Rausch for the committee.

Senate Transportation

February 3, 2011

2011-0183s

03/10

Amendment to SB 29

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of "moped" and relative to motorcycle endorsements.

Amend the bill by replacing all after section 1 with the following:

2 Motorcycle License. Amend RSA 263:30, I to read as follows:

I. No person to whom a driver's license of any class or category has been issued may drive any registered motorcycle unless he *or she* holds a special motorcycle license or endorsement, ***a 3-wheeled motorcycle endorsement***, or a motorcycle learner's permit. A person who holds a special motorcycle license or endorsement or a motorcycle learner's permit may drive any registered ***2-wheeled or 3-wheeled*** motorcycle without holding any other class of driver's license. ***A person who holds a 3-wheeled motorcycle endorsement may drive any registered 3-wheeled motorcycle without holding any other class of driver's license, but shall not drive any 2-wheeled motorcycle.***

3 Motorcycle Examinations. Amend RSA 263:31 to read as follows:

263:31 Special Motorcycle Licenses; Waiver of Driving Examination. The department shall cause to be issued a special license for persons without a driver's license or an endorsement on the driver's license for persons who have a driver's license, for all applicants who successfully complete the requirements for a motorcycle license. ***The department shall cause to be issued a 3-wheeled motorcycle endorsement on the driver's license for persons who have a driver's license, for all applicants who successfully complete the requirements for a 3-wheeled motorcycle endorsement.*** Applicants for such license or endorsement shall furnish proof of their fitness to drive a motorcycle as the director shall in his or her discretion determine. Such proof shall include the applicant's passing a driver examination conducted on a motorcycle. ***The examination for a special motorcycle endorsement and the examination for a 3-wheeled motorcycle endorsement shall be separate and distinct examinations emphasizing the skills and maneuvers necessary to operate safely the specific type of motorcycle for which the endorsement is issued.*** The director may waive the requirement for such a driving examination upon receipt of adequate evidence of experience in driving a motorcycle by an applicant under such rules as the director may deem necessary, or proof that the applicant has successfully completed a state-approved motorcycle rider education course. No person may take the motorcycle driver examination more than twice; any person who fails to pass the examination twice shall be required to successfully complete the motorcycle rider education program under RSA 263:34-b. No person shall drive a motorcycle on a way of this state, unless such person is duly licensed to drive a motorcycle by a special motorcycle license or endorsement issued under this section, or holds a permit under RSA 263:32. No person shall knowingly authorize or allow the driving of a motorcycle owned by him or her or in his or her charge on a way of this state by any person who does not hold a special motorcycle license or endorsement or motorcycle learner's permit.

4 Driver's License Fees. Amend RSA 263:42, I to read as follows:

I. For each original driver's license and examination or driver's license renewal, other than for a commercial vehicle or motorcycle- \$50; for each youth operator's license and examination- \$10 per year, not to exceed \$50; for each license issued to a nonresident alien for less than 5 years- \$10 per year or portion thereof; for each original commercial driver license and examination or commercial driver license renewal- \$60; for each commercial driver license reexamination in a one-year period- \$20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- \$10; for each special motorcycle original license and examination or special motorcycle license renewal- \$50; for each original motorcycle endorsement- \$25; ***for each 3-wheeled motorcycle***

endorsement- \$25; for each motorcycle endorsement **and 3-wheeled motorcycle endorsement** renewal- no charge. For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Except as provided in RSA 263:14 and RSA 263:39-a, III, every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

5 Effective Date. This act shall take effect upon its passage.

2011-0183s

AMENDED ANALYSIS

This bill eliminates the horsepower limitation in the definition of moped in the motor vehicle laws. This bill also creates a special 3-wheel motorcycle endorsement.

This bill was requested by the department of safety.

SENATOR RAUSCH: Thank you, Mister President. I move Senate Bill 29 Ought to Pass with Amendment. This bill eliminates the two brake horsepower or less limitation in the definition of "moped" in the motor vehicle laws. This bill was requested by the Department of Safety.

The Committee heard from the Department of Safety and moped industry stakeholders, both of whom believe this is a necessary change to eliminate confusion among New Hampshire moped users and the town clerks. The Transportation Committee amended the original bill by adding an additional section after section 1, which created a special three-wheeled motorcycle endorsement.

The Transportation Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 60, relative to the definition of commercial motor vehicle. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 60 Ought to Pass. This bill modifies the provision that exempts certain emergency vehicles from the definition of commercial motor vehicle.

Current law allows firefighters with a commercial driver's license to drive a fire truck to the scene of the fire, but does not let them drive it back to the fire station. This legislation would allow firefighters exemption from the requirement of carrying a commercial driver's license while driving a fire truck for the purpose of returning to the fire station and driving in a parade. Senate Bill 60 would especially serve our small communities that have volunteer fire departments.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 66, relative to nonresident fees for motorcycle rider education. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. This time I move Senate Bill 66 Ought to Pass. This bill requires the Director of the Division of Motor Vehicles to adopt rules relative to nonresident fees for motorcycle rider education. This bill was requested by the Department of Safety.

With nonresidents not paying any fees, this leaves the expense to be paid by the New Hampshire residents taking the motorcycle rider education course.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 69, permitting 2-wheeled vehicles to proceed through an intersection after stopping for a red light. Inexpedient to Legislate, Vote 4-0. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move SB 69 Inexpedient to Legislate. This bill permits two-wheeled vehicles to proceed through an intersection after stopping for a red light. It was explained to the Committee that the current problem is, at times, two-wheeled vehicles are not sensed by the various types of sensors that control traffic lights, and in turn, two-wheeled vehicles must wait longer for the traffic light to turn green.

The Committee heard from the Department of Safety, who came in opposed to the bill, and explained there are other ways of correcting the problem. Because the Department of Safety explained solutions and the significant safety concerns raised in the hearing, the Committee felt it was appropriate to vote Inexpedient to Legislate.

The Transportation Committee asks for your support for that motion of Inexpedient to Legislate. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 98, revising the international registration plan. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 98 Ought to Pass. This bill adopts selected recent revisions to the international registration plan.

The Committee heard from the Department of Safety and industry stakeholders, both of whom support the bill and say these changes are important to keep New Hampshire consistent with other states and Canadian provinces. The Committee was told that if they did not pass these changes, New Hampshire could eventually be barred from the international registration plan, which would be detrimental to truck drivers in our state. There is no fiscal impact by updating the international registration plan with the changes in this bill.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 99, relative to trailer brakes. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Senate Transportation
February 3, 2011
2011-0182s
03/04

Amendment to SB 99

Amend the bill by replacing section 1 with the following:

1 Trailer Brakes. Amend RSA 266:30 to read as follows:

266:30 Trailer Brakes. No motor vehicle trailer or semi-trailer~~[-the weight of which, including its load, is 3,000 pounds or more,]~~ shall be driven on the ways of this state unless equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times. No house trailer weighing in excess of 1,500 pounds shall be driven on the ways of this state unless so equipped. ~~[This section shall not apply to wood-sawing machines, log splitters, cement mixers, compressors, tar kettles, conveyors, or to devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or to refreshment booths on wheels towed not more than 2 miles at any one time.]~~ ***This section shall not apply to a motor vehicle trailer or semi-trailer with a gross weight of less than 3,000 pounds if the axle weight of the towed vehicle does not exceed 40 percent of the sum of the rated axle weights of the towing vehicle.***

2011-0182s

AMENDED ANALYSIS

This bill modifies exemptions from the trailer brakes requirements.

This bill was requested by the department of safety.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 99 Ought to Pass with Amendment. This bill eliminates exemptions from trailer brake requirements and was requested by the Department of Safety. The request came after an audit from the National Highway Safety and Traffic Administration. The audit revealed incompatible exemptions of certain types of vehicles from the brake requirements listed in federal rules. The Committee was told noncompliance with federal trailer brake law could result in loss of federal highway funds. This bill would also create safer highways for the public by assuring that all trailers are being towed by a vehicle which can properly handle the trailer's braking scheme.

The Transportation Committee amended the original bill, adding language which modifies the exemptions from trailer brake requirements.

The Transportation Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 137-FN-A, relative to the driver training fund. Inexpedient to Legislate, Vote 4-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. My Chairman keeps me busy. I move Senate Bill 137-FN-A Inexpedient to Legislate. This bill permits commercial and private driving schools to receive money from the driver training fund.

The Committee heard from stakeholders on the bill who felt this legislation would bring fairness between school-contracted driver's education

teachers and commercial and private driver's education teachers. The Committee understands that there may be frustration on the end of the commercial or private driver's education teachers, but ultimately felt the fiscal impact was too great for the State to take on, as it essentially asked the State to subsidize private business.

The Transportation Committee, Mister President, asks for your support for the motion of Inexpedient to Legislate. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

WAYS AND MEANS

SB 18, deleting a function of the central tax services unit. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I move Senate Bill 18 Ought to Pass. This bill was requested by the Department of Revenue Administration. It removes internal control of tax receivables from the responsibilities of the central tax services unit, which is essentially the Department's customer service center. The central tax services unit issues tax notices when taxes are not paid. The Department believes it would be inappropriate for this unit to also be handling the accounts receivable. These are currently processed by the administration unit within the Department, so we're just changing the statute to be consistent with and to reflect the current practice.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 39, relative to enforcement of the excavation tax by the department of revenue administration. Ought to Pass, Vote 5-1. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 39 Ought to Pass. This bill allows the Department of Revenue Administration to assess administrative fines for violations of the excavation tax.

Currently, the Department of Revenue Administration has to go through local law enforcement to have violations enforced, and this can be time consuming, especially in smaller towns that might not have a full-time police department. While violations are rare, the Department would like to be able to impose the administrative fines themselves. This will save time as well as local expenditures. The bill also makes a minor technical correction with regard to forms that are filed.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax. Ought to Pass, Vote 6-0. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move Senate Bill 42 Ought to Pass. This bill was requested by the Department of Revenue Administration. It requires that the declaration of consideration form used in determining the real estate transfer tax to be filed separately by

each party to a transaction. In other words, both the buyer and the seller will fill out a separate form. Typically the form is filled out by the title company, and it contains both parties' tax identification information on the same form. The Department testified that there are often instances when they have had to send the form back to one party, either for mistakes or missing information. This gives the party access to another's tax identification information that they should not have. Senate Bill 42 will eliminate this liability by separating the buyer and seller declarations. It will also provide greater efficiency within the Department.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 43, making a technical correction to the tobacco tax laws. Ought to Pass, Vote 6-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 43 Ought to Pass. This bill was requested by the Department of Revenue Administration and makes a small technical correction to the tobacco tax laws. It simply changes the word "reports" to "returns" so that the language in statute is consistent with the actual practice. The Department testified that in lieu of tobacco stamps, wholesalers of smokeless tobacco products file returns with the Commissioner. The statute incorrectly refers to the returns as reports. This bill makes no substantive changes to any tobacco laws.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 59-FN-A, relative to fees for terrain alteration permits. Inexpedient to Legislate, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 59 Inexpedient to Legislate. This bill sought to roll back fees for terrain alteration permits. The fees were initially increased with the support of stakeholders in order to give the Department of Environmental Services the staff and the resources they needed to improve the turnaround time of the permitting process. Those who work in this field are more concerned with the time of process than with the fee. The implementation of this fee increase has been successful, and that the process has in fact been expedited.

We heard from the Department of Environmental Services that permits are being processed on an average of 36 days. A decrease in the fee would negatively impact the Department's ability to process permits, resulting in significant delays. DES and those who would be affected by this all testified in opposition to Senate Bill 59 during the public hearing.

The Ways and Means Committee asks for your support for the motion of Inexpedient to Legislate. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 80-FN-A-L, exempting certain rental income from the meals and rooms tax. Inexpedient to Legislate, Vote 5-1. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 80 Inexpedient to Legislate. This bill sought to exempt rental income derived from renting a second home for not more than 12 weeks from the meals and rooms rentals tax. This would provide a significant tax shelter to any person or business for an entire summer season or an entire ski season.

The Department of Revenue raised concerns about the bill being unconstitutional since it would treat certain taxpayers differently from others. The meals and rooms tax applies to anyone renting out property, and those who abide by the law and file with the Department factor the cost of the tax into the rent that they charge. Therefore, the tax is not a burden on the property owner. While the attempt of the sponsor was to provide some relief to families, the Committee believes that this is not the appropriate way to do so, and this legislation does not achieve the desired outcome.

The Ways and Means Committee asks for your support for the motion of Inexpedient to Legislate.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 97, relative to the application of the community revitalization tax relief incentive. Ought to Pass with Amendment, Vote 6-0. Senator Luther for the committee.

Senate Ways and Means

February 1, 2011

2011-0154s

09/10

Amendment to SB 97

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 97 Ought to Pass with Amendment. This bill allows for buildings which have been destroyed by fire or other acts of nature to be included as a qualified structure eligible for the community revitalization tax relief incentive.

Last year, SB 128 was adopted, allowing cities and towns to modify certain requirements of the community revitalization tax relief incentive program under RSA 79-E. The statute isn't clear, however, on communities' ability to include buildings that are destroyed by fire or other natural disasters. SB 97 provides that clarity. This is enabling legislation in that it gives communities the opportunity to allow such structures to be considered for this tax relief incentive program. The goal is to incentivize business and property owners to rebuild when they might not otherwise choose to do so in a down economy, thus contributing to revitalization efforts.

The committee amendment simply changes the effective date of the legislation to upon passage.

The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I just wanted to comment that this is an attempt to give the locals

an opportunity to refurbish the community, and I commend Senator Stiles for bringing it forward, because what it does is it creates an environment within the local community where you're incentivized to rebuild, to reconstruct, and to add on. And, we need that, particularly in the jurisdiction that you represent, where we had that terrible fire. And, this gives an opportunity for people to rebuild and not to suffer consequences of an increased tax for a limited period of time. I think it's a wonderful example of the local option being applied and the request of the local option being brought forward, and I commend Senator Stiles for that. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 130-FN-A, repealing the tax on gambling winnings. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Ways and Means

February 1, 2011

2011-0155s

09/10

Amendment to SB 130-FN-A

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 130 Ought to Pass with Amendment. This bill repeals the 10 percent tax on gambling winnings that was enacted as part of the budget in 2009. The original language was not well thought out in that it did not include a provision to deduct one's losses as the federal law does.

Further evidence of the haste with which this law was first enacted is the fact that it applied retroactively. We had a situation where a group of individuals who won the lottery many years ago and who at that time had no choice but to accept their winnings through an annuity were now subject to this 10 percent tax on winnings. Fortunately, we were able to correct that aspect of the law through the passage of a bill brought forward by Senator Barnes last year.

Each month, we continue to see decreases in lottery sales. New Hampshire residents are buying more lottery tickets from Massachusetts. Out-of-state residents are no longer coming to New Hampshire to wager on simulcastings. This ill-advised, hastily enacted tax is damaging our gaming industry and negatively impacting our revenue stream. It's time for a complete repeal of this tax.

The committee amendment simply changes the effective date of the legislation to upon passage.

The Ways and Means Committee unanimously asks for your support of the motion of Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. In my Town of Exeter, I go to breakfast quite often at the Exeter Trackside Diner. And, it's a local place where my brother goes, my family goes. And, the owner gets me by the collar every single time I go into that little diner and says: "Are you going to repeal that 10 percent?" And, I said: "I'm going to try my best." So, today I am proud that I can try

my best and say “yes” to repeal this. It is damaging New Hampshire’s future. And, thank you very much for the rest of the Senate to be able to vote for this at this time. Thank you very much, Mister President.

(The Chair recognized Sen. Morse for a question of Sen. D’Allesandro.)

SENATOR MORSE: Senator D’Allesandro, would you believe I stand with you against the consent calendar? We’ve heard 29 pieces of legislation today that would have been on the consent calendar; one piece of legislation that I would have taken off – Senate Bill 39, Senator Odell – and seven pieces of legislation like the one you’re presenting right now that are FN’s that would not have been on the consent calendar. I’ve pledged to the flag, I’ve said a prayer, and I’ve honored one of my colleagues that I serve with today, all in an hour.

SENATOR D’ALLESANDRO: I just...I’m overwhelmed by that vote of confidence in suppressing the consent calendar.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 18, deleting a function of the central tax services unit.

SB 21, relative to exemptions from excavating and drainage permits.

SB 25, relative to the Connecticut River Valley resource commission.

SB 29, relative to the definition of “moped” and relative to motorcycle endorsements.

SB 36, relative to the permanent siting of the Hampton-Exeter District Court.

SB 37, relative to the determination of residency for certain pupils.

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax.

SB 43, making a technical correction to the tobacco tax laws.

SB 45, relative to criteria for designation as a Granite State scholar.

SB 60, relative to the definition of commercial motor vehicle.

SB 62, relative to persons participating in the return to work program.

SB 65, making technical corrections to a law relative to court facility financing.

SB 66, relative to nonresident fees for motorcycle rider education.

SB 67, establishing a committee to study school vouchers and school choice.

SB 68, relative to records of disciplinary actions taken by the electricians' board.

SB 85, naming a bay in the town of Meredith Johnson Bay.

SB 91, relative to automatic fire suppression sprinklers.

SB 96, relative to amending the charter of The Pinkerton Academy.

SB 97, relative to the application of the community revitalization tax relief incentive.

SB 98, revising the international registration plan.

SB 99, relative to trailer brakes.

SB 112, relative to the membership on the advanced manufacturing education advisory council.

SB 115, relative to observing voter check-in.

SB 116, relative to the manufactured housing installation standards board.

SB 127-FN, relative to the city of Manchester's contributory retirement system.

SB 140-FN, relative to the disposition of military justice fines.

RULE 2-15'S

Sen. White asserts Rule 2-15 on: SB 116.

Sen. Prescott asserts Rule 2-15 on: SB 91.

ANNOUNCEMENTS

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I'd just like to remind everyone that tomorrow between 11:30 and 1:30 that the charter schools will be having their chili competition and invite you to go over and sample all of the different varieties and then cast your vote on your favorite.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 47, relative to inactive license status for real estate brokers and salespersons.

HB 61, relative to daylight saving time.

HB 80, relative to ranks in the division of state police.

HB 82, relative to the annulment of criminal records.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses.

HB 113, prohibiting the use of state funds for New Hampshire public television.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 230, exempting the repair of certain structures from compensatory mitigation requirements.

HB 307, relative to the authority of the superintendent of a county correctional facility.

HB 363-L, relative to Depot Street in the town of Andover.

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

HB 585, proclaiming the third Friday in October as New Hampshire history day.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 1-FN-L, eliminating the automatic continuation requirement for public employee collective bargaining agreements.

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

11-0920

CACR 14, relating to: the funding of public education. Providing that: the general court shall define reasonable standards for elementary and secondary public education, establish reasonable standards of accountability, and mitigate local disparities in educational opportunity and fiscal capacity. (Stiles, Dist 24; Bradley, Dist 3; Bragdon, Dist 11; Forrester, Dist 2; Gallus, Dist 1; Groen, Dist 6; White, Dist 9; Odell, Dist 8; Tucker, Rock 17; Chandler, Carr 1: Internal Affairs)

11-0951

SB 3-FN-A-LOCAL, making comprehensive changes to the state retirement system. (Bradley, Dist 3; Barnes, Jr., Dist 17; Bragdon, Dist 11; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Gallus, Dist 1; Groen, Dist 6; Luther, Dist 12; Odell, Dist 8; Rausch, Dist 19; White, Dist 9; Hawkins, Hills 18; Kurk, Hills 7; Reagan, Rock 1; Bettencourt, Rock 4: Executive Departments and Administration)

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 1-FN-L, eliminating the automatic continuation requirement for public employee collective bargaining agreements.

Sen. Bradley moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

February 23, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

Today is a day that the Episcopal Church and many other churches have set aside to remember Matthias, one of the twelve Apostles; he was really the thirteenth Apostle. He was elected to take the place of Judas, after he did his dirty deed.

Matthias was elected, as I said. He was put up in between another man, named Joseph, and Matthias. The Apostles prayed and voted, and the lot fell to Matthias.

It's important for us to keep that in mind, that there is nothing in the story, in the Scriptures, that say that they went into a business session to do the voting; they didn't quit praying, they didn't quit their worship during that time, that they reminded themselves that they prayed, and that God was present and working, even when they were in business, when they were discussing, deliberating, and voting, that there was nothing so small or business-minded or secular or profane that God wouldn't be among them, that God was with them at all times.

So, I remind you all that as you go into your voting and discussing and deliberating today, that God is working in and through each one of you as surely as God worked through the Apostles so many years ago. Let us pray.

Heavenly Father, as we come in from the cold, we hang up our coats and hats, but we can never hang up Your presence. Keep us always mindful that we can never put You away, and that You work in and through us as Your chosen people, to work always for that spirit that You fill us with: the spirit of mercy, of truth, of love, and of justice. This we pray in Your Holy name.

Amen.

Sen. Odell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I'd like to introduce two Senate Pages we have today. Our first Page is Alex Butcher-Nesbitt; he is 17 years old, grade 12. His hometown is Sandwich. His

favorite school subject is English. His favorite book is *Percy Jackson and the Olympians*. His extracurricular activities include varsity baseball, Alpine skiing, and professional theater. He is the assistant director of the Sandwich Lot Baseball. He enjoys fiction-writing: novels, short stories, and screenplays, and in the future he hopes to become a political strategist or run for public office.

We also have Teddy Willey; he's 18, grade 12, also from Interlakes High School, and lives in Meredith. His favorite school subject is English. Extracurricular activities include soccer, Nordic skiing, tennis; he's the class president and participant in Life Smarts. He's in the student council, Granite State Challenge, and he enjoys sailing. In the future, he plans to work as a lawyer, and hopefully, one day, work in politics. Welcome.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister Chair. It is really, truly a pleasure today to introduce to you my lovely daughter, Rachel, and her two children, my beautiful grandchildren: Azalea and Kai. Rachel is a certified midwife and has just completed her RN degree. And, it has just been a joy to have them visiting with us for a week; they live in California. So, thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. You might notice that the gallery is a little more crowded than usual. It's my pleasure to welcome several distinguished guests from District 9: they are the Bedford Jaguars, who recently, under the Under-10 National Cheerleading Championship in Florida, won that competition. These 25 talented and athletic young ladies are led by their head coach, Kate Spencer, and they have all made Bedford very proud. And, I want to also yield for a moment to Senator D'Allesandro, who has a special connection to them, as well.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Senator White. I'm really, really excited about the fact that my niece and her husband are here, Lynn and Brian LeVeille, and two of the most prominent members of that cheerleading group: Jillian and Jordan LeVeille.

And, Mister President, also in the gallery are two of my grandchildren, Dominic and Anthony Smith, and my daughter, Christina D'Allesandro. Thank you.

PRESIDENT BRAGDON: Senator White, is there anything else that we need to be aware of?

SENATOR WHITE: Well, it may be possible that the cheerleading squad from Bedford might give us a little sample of what helped them win that competition.

The Bedford Jaguars Cheerleading Team cheered for the Senate.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: SB 55-FN, SB 81-FN, SB 128-FN-A.

COMMITTEE REPORTS

Sen. Sanborn moved to remove SB 49 from the Table.

The question is on the motion to remove SB 49 from the Table. Adopted.

COMMERCE

SB 49, relative to tip pooling arrangements.

The pending question is on the adoption of the Committee recommendation of Ought to Pass.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Senate Bill 49 specifically talks about allowing our restaurant and hospitality industry to initiate a tip-pooling process, which presently is not available to this state. This process of tip-pooling allows those employees who operate on what's called the "front side of the house" – so, wait staff, bus staff, and bartenders – the ability to combine their wages on and above the minimum need for wage requirement for minimum wages into a pool by which they can better serve their customers and their organization. And, I ask that you pass that.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 7

February 23, 2011

2011-0472s

04/01

Floor Amendment to SB 49

Amend the bill by replacing section 1 with the following:

1 Tip Pooling. RSA 279:26-b is repealed and reenacted to read as follows:
279:26-b Tip Pooling. Tips are wages and shall be the property of the employee receiving the tip and shall be retained by the employee. The requirement that an employee shall retain all tips does not preclude a valid tip pooling or sharing arrangement among employees who customarily and regularly receive tips, such as waiters, waitresses, bellhops, counter personnel (who serve customers), busboys/girls and service bartenders. No employer shall require tipped employees to share their tips with employees who have not customarily and regularly participated in tip pooling arrangements, such as dishwashers, cooks, chefs, and janitors. Only those tips that are in excess of tips that are counted as wages for the tip credit toward minimum wage may be taken for a pool. Tipped employees cannot be required to contribute a greater percentage of their tips than is customary and reasonable.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you very much, sir. This floor amendment clarifies that tips and wages addressed in Senate Bill 49 are the property of the employee receiving the tip, and shall be retained by the employee. Under this legislation, no employer shall require tipped employees to share their tips with employees who have not customarily and regularly participated in tip-pooling arrangements, such as dishwashers, cooks, chefs, and janitors. Only those tips that are in excess of tips counted as wages for the tip credit towards minimum wage may be included in the pool.

Senate Bill 49, with this floor amendment, will allow businesses in New Hampshire the freedom to establish a tip-pooling policy for their establishment. Please support this amendment and vote the underlying bill Ought to Pass with Amendment. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

COMMERCE

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Commerce**February 15, 2011****2011-0343s****09/05****Amendment to SB 28**

Amend RSA 397-A:4, VI as inserted by section 1 of the bill by replacing it with the following:

VI. An owner of real property who in any 12 consecutive month period makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 28 Ought to Pass with Amendment. Senate Bill 28 is a compromise intended to help address real estate financing difficulties in the aftermath of our real estate market collapse.

After passage of the federal S.A.F.E. Act, it became apparent this new legislation eliminated the ability of individuals to "take back a mortgage or perform seller financing of real estate". Many states have and are creating a vehicle by where its residents are provided the authority to perform some form of seller financing while the Fed reexamines its restrictions.

This bill will allow New Hampshire residents the opportunity to enter into up to three seller-financed mortgage loans to purchasers. Senate Bill 28, as amended by the Committee, will allow New Hampshire residents the freedom to do what they wish with their own property.

Please join the Commerce Committee and vote Ought to Pass with Amendment. Thank you.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I just wanted to go on record that I support this policy. I think it's a good idea to address this issue; I think it was an unintended consequence of New Hampshire's implementation of the S.A.F.E. Act requirements.

My concern is the vehicle we're choosing in order to address the problem. Essentially, are we asked to vote for Senate Bill 28 and hope that we don't have to change policy in our laws later, or do we focus on legislation which is currently in the House that complies with existing law and doesn't risk the federal government's stepping in? Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I'd like to address Senator Houde's good question.

The bill creates an exemption, which would permit up to five finance transactions in a 12-month period – and, it's a de minimis exemption – would allow that to happen.

If we read a letter from the U.S. Department of Housing, which was presented to the Committee, this was done by a letter from Barney Frank and Spencer Bachus, they say as the primary authors of the Secure and Fair Enforcement for Mortgage Licensing Act – the S.A.F.E. Act – the US House of Representatives: “We look to continue dialogue clarifying Congressional intent with respect to this act.” And, then they go on to say that: “We think that it is permissible for states to consider a de minimis standard for registration.” That’s the tact that the Commerce Committee looked at, and considered that to be important to consider when we passed it out of Committee.

Secondly, HUD had rung in on this question, as well – Housing and Urban Development. The Texas Department of Savings and Mortgage Lending referenced that HUD verbally indicated that states should enforce their specific state statutes, even in variance with the model S.A.F.E. Act language if the State takes a responsible approach and can justify the variance. So, we took the lead from U.S. House Representative Barney Frank, and said if we do a de minimis change...And, we went even lower – we went lower than five; we went down to three. So, we made sure that we were really going to be in compliance.

Thank you very much for your efforts there in bringing that before the Committee. Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Prescott.)

SENATOR LARSEN: Senator Prescott, I am seeing that the banking world and those who attended your hearing had questioned whether these unregulated mortgage business entities might be created, and that they had suggested some sort of registration of these, such that there would be a way to track these transactions. I am not opposed to seller financing that enables some transactions to occur in a difficult banking market, but the suggestion of a potential way of keeping some track of the arrangements... I wonder if your committee reviewed that and considered adding some additional safeguards to consumers.

SENATOR PRESCOTT: Thank you very much for the question, Senator Larsen. The Committee: When we met, we discussed that just as soon as December 31st, there was no limitations on seller financing. And, I don’t believe that those issues came before the Senate in the last ten years, that there was problems with seller financing. But, because of the S.A.F.E. Act, and because of trying to protect people from, you know, mortgages that they really can’t afford, we think that three in a time period of 12 months is a huge restriction on what it was just less than two months ago. Two months ago it was unlimited; now we’re saying only three.

So, we did look at that in the Committee; we thought, you know, we do want to have it allowed, but we’re making it the de minimis exception, and we wanted to go along with Barney Frank and the Housing and Urban Development. Thank you very much.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Groen asserts Rule 2-15 on SB 28.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Groen asserts Rule 2-15 on SB 28.

SB 109, establishing a committee to study the foreclosure process in New Hampshire. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 109 Ought to Pass. Senate Bill 109 establishes a committee to study the foreclosure process in New Hampshire. The study will include a review of current law and practice, consideration of whether the state should adopt a judicial foreclosure process in lieu of the statutory power of sale under RSA 479, and whether additional means of consumer protection are warranted.

The Commerce Committee would like to thank Senator Carson, the prime sponsor of Senate Bill 109, who volunteered to serve on this committee in her testimony before the Committee. Please join the Commerce Committee and vote Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 141-FN, requiring drivers who are residents of foreign countries to have insurance. Inexpedient to Legislate, Vote 5-0. Senator Houde for the committee.

SENATOR HOUDE: Thank you, Mister President. I move Senate Bill 141-FN Inexpedient to Legislate. Senate Bill 141 would require drivers who are residents of foreign countries to have insurance coverage, and would prohibit renting a motor vehicle to any resident of another country without insurance.

The Commerce Committee unanimously recommends Inexpedient to Legislate for the following reasons: Notwithstanding the unfortunate incident that prompted the bill's introduction, New Hampshire has consistently rejected mandatory automobile insurance for New Hampshire drivers. Since we don't require our residents to do so, we could not constitutionally require residents of other states to do so, and there are similar concerns for drivers of foreign countries.

Furthermore, the fiscal note concerned the Committee, as did the Department of Insurance's concern with its implementation. For these reasons, the Commerce Committee asks for your support and vote of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

EDUCATION

SB 90, relative to the consolidation of school administrative units. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Education

February 17, 2011

2011-0387s

04/05

Amendment to SB 90

Amend the title of the bill by replacing it with the following:

AN ACT directing the legislative oversight committee to study the consolidation of school administrative units.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Oversight Committee; Consolidation of School Administrative Units. The legislative oversight committee established in RSA 194-C:11 shall, in addition to its duties set forth in RSA 194-C:12, study the advantages, disadvantages, and costs associated with consolidating

school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 31, 2011.

2 Effective Date. This act shall take effect upon its passage.

2011-0387s

AMENDED ANALYSIS

This bill requires the legislative oversight committee on school administrative units to study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 90 Ought to Pass as Amended. This legislation was written with the intent to establish a committee to study the consolidation of school administrative units.

Over the years, it has become apparent that money is being wasted with such a large number of SAU's, and consolidation may be a feasible way to save money. After discussion, it was noted that there is presently an SAU oversight committee, and it was decided that SB 90 would be amended to task this committee with the responsibility of studying the issue and reporting to the Senate by the year's end.

Therefore, the Education Committee recommends that Senate Bill 90 Ought to Pass as Amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

SB 20, relative to shoreland protection permits. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

Energy and Natural Resources

February 17, 2011

2011-0399s

08/09

Amendment to SB 20

Amend RSA 483-B:5-b, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A *and commercial or industrial redevelopment in accordance with RSA 485-A:17* shall not require a permit under this section.

SENATOR GALLUS: Thank you very much, Mister President. I move Senate Bill 20 Ought to Pass with Amendment. The intent of SB 20 is to exempt certain terrain alteration permit holders from requiring certain shoreline protection permits. Specifically, it adds to the exemption section in the comprehensive shoreland protection act, commercial or industrial redevelopment, in accordance with RSA 485-A:17, which is

terrain alteration. This exemption was added because alteration of terrain permits already deal with water quality issues that are addressed in the shoreline protection permits. Particularly, in this down economy, lightening the burden on business to redevelop is very important. This bill seeks to remove an extra repetitive step in the process to help encourage New Hampshire businesses to redevelop.

I respectfully request that the Senate support the Energy and Natural Resources Committee recommendation of Ought to Pass with Amendment on SB 20. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley asserts Rule 2-15 on SB 20.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on SB 20.

SB 32, relative to water withdrawals for snow making. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

Energy and Natural Resources

February 17, 2011

2011-0398s

06/09

Amendment to SB 32

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Measurement of Withdrawals for Snowmaking. Amend RSA 488 by inserting after section 4 the following new section:

488:4-a Measurement of Withdrawals for Snowmaking. Notwithstanding RSA 488:4, water use associated with snowmaking shall be measured at the point water is withdrawn from any natural source of water for use by a snowmaking system and at the point that water is entering into the snowmaking system, and such water withdrawal and use shall be measured by an appropriate and calculable method such as a weir, stream gauge, meter, or a technically appropriate and calculable method utilizing the manufacturer's plated specifications as they relate to gallons of water pumped per minute. Diversions from natural sources into storage reservoirs may be measured by using the measurement of the amount of water entering a snowmaking system and by calculating the change in the amount of water stored in the storage reservoir, provided separate records of the water withdrawn from each natural source are maintained.

2 New Section; Record Keeping for Snowmaking Withdrawals. Amend RSA 488 by inserting after section 6 the following new section:

488:6-a Record Keeping for Snowmaking Withdrawals. Notwithstanding RSA 488:6, water use records associated with snowmaking shall be maintained and documented monthly, and 24-hour maximum volumes of water withdrawn from each natural water source and the water entering the snowmaking system shall be maintained and documented monthly.

3 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after paragraph VI the following new paragraph:

VII. Forms and frequency for reporting to the department the records required under RSA 488:6-a regarding snowmaking and water withdrawals for snowmaking.

4 Effective Date. This act shall take effect 60 days after its passage.

SENATOR GALLUS: Thank you very much, again, Mister President. I move Senate Bill 32 Ought to Pass with Amendment. The intention of Senate Bill 32 is to address how recordkeeping is conducted and reported for snowmaking in New Hampshire.

Current law requires redundant recordkeeping for withdrawals, which requires additional administrative work, as well as the potential of costly water metering systems. With the new language, ski areas will now be able to give the Department of Environmental Services more accurate information on water as it is withdrawn from a river or pond, or as it is diverted from a natural source into the snowmaking system.

The amendment was introduced to bring a few clarifications that have to do with broadening some options for measuring water use beyond just the pump capacity or meter that the water from natural sources need to be reported.

I respectfully request that the Senate support the Energy and Natural Resources Committee recommendation of Ought to Pass with Amendment on Senate Bill 32, and I thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 38, relative to extensions for wetland and shoreland permits. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move Senate Bill 38 Ought to Pass. SB 38 authorizes the Department of Environmental Services to issue extensions of wetlands and shorelands permits consistent with existing policy for other permits, including the alteration of terrain permits. This policy allows for one extension of up to five years, only in cases where the applicant can demonstrate that the project for which an extension is sought is moving forward according to plans set out in the original permit, even if more slowly than originally planned, and that mitigation measures will be taken as necessary to continue protection of water during the extension period.

As described in testimony, in today's economy, many slow-downs and setbacks can occur for permitted projects. This bill serves as a measure of relief in such circumstances. Please join the Energy and Natural Resources Committee recommendation of Ought to Pass on Senate Bill 38. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on SB 38.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you very much, Mister President. I move Senate Bill 55 Ought to Pass. Senate Bill 55 seeks to require the addition of an aversive agent to certain engine coolants to make them bitter in order to render the sweet smell and taste of the main ingredient unpalatable.

Further, the bill addresses liability concerns that were raised in the last session of the Legislature, when a similar bill was before us. The

language is the result of a collaborative effort between the Humane Society of the United States as well as the Consumer Specialty Products Association, and it has received broad support.

This legislation is needed to protect vulnerable animals and young children of New Hampshire who may be attracted to this deadly substance. I respectfully request the Senate support the Energy and Natural Resources Committee recommendation of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 124-FN, relative to the comprehensive shoreland protection act. Inexpedient to Legislate, Vote 4-1. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 124-FN Inexpedient to Legislate. The intent of SB 124-FN is to make modifications to the Comprehensive Shoreland Protection Act.

Most of the people who testified before the Committee indicated that there were changes needed to the Comprehensive Shoreland Protection Act. Many who testified believed there were minor amendments in the bill that helped correct problems within the statute. However, most also believed there were many amendments that would have negated important progress that stakeholders have made to the Shoreland Protection Act in the past few years. Therefore, the Committee decided the best mechanism for making the necessary changes to the Comprehensive Shoreland Protection Act was not SB 124.

I respectfully request that the Senate support the Energy and Natural Resources Committee recommendation of Inexpedient to Legislate on Senate Bill 124. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. Bradley asserts Rule 2-15 on SB 124-FN.

SB 128-FN-A, establishing a fee on occupancy of sleeping accommodations of the Appalachian Mountain Club and the Randolph Mountain Club to fund search and game rescue operations of the fish and game department. Ought to Pass with Amendment, Vote 4-1. Senator Odell for the committee.

Energy and Natural Resources

February 17, 2011

2011-0397s

04/05

Amendment to SB 128-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study sources of funding for the search and rescue operations of the fish and game department.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study sources of funding for the search and rescue operations of the fish and game department, including possible assessments of fees on hikers or accommodations in addition to or in lieu of charges on fish and game registrations and licenses.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

6 Effective Date. This act shall take effect upon its passage.

2011-0397s

AMENDED ANALYSIS

This bill establishes a committee to study sources of funding for the search and rescue operations of the fish and game department.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 128-FN Ought to Pass with Amendment. The intent of Senate Bill 128 was to establish a hiker fee imposed on persons occupying sleeping accommodations of the Appalachian Mountain Club and the Randolph Mountain Club. The bill would establish these fees to fund the search and rescue fund and make it viable.

The amendment establishes a committee to study possible sources of funding for the search and rescue operations of the Fish and Game Department. The Committee understands that the funding problems of the search and rescue operations needs to be addressed. However, there is a need to explore all possible solutions with all the stakeholders to produce a long-term feasible solution to this problem.

I respectfully request the Senate support the Energy and Natural Resources Committee recommendation of Ought to Pass with Amendment on Senate Bill 128. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, as one of the sponsors of this piece of legislation, I'd just like to iterate to my colleagues that we have been trying to do something with the search and rescue fund since 1989 – 1989. Nothing has been done since that time. Search and rescue is paid for by the hunters and fishermen of the State of New Hampshire and the OHRV people, whose part of their license fee goes to Fish and Game. No general funds have been expended.

Repeatedly, there have been attempts to get general funds into the search and rescue, because if a person's out there, you don't ask them if they have a fishing license or a hunting license, or if they have an OHRV li-

cense plate, you save them! Those rescues are becoming more and more costly. We had one rescue last year, that young man; we paid \$25,000 for his rescue. We do have a bill in about recovery, but we never recover any money. And, if we do recover it, it's de minimis. The fact of the matter is, we are going to save these people; that's our sworn responsibility. How we fund search and rescue is the issue. And, as I say, we have been discussing and debating this issue since 1989.

I applaud the Committee for saying we'll have another committee to study it, okay? Because I think studies are wonderful things. I'm a teacher; I encourage my students to study; they're going to do well on the exam. This exam was first addressed in 1989. So, for almost three decades, the study has been studied! The question is, are there any results to the study? Do we ever get results to studies? We study everything! Our Fish and Game Department is going to go belly-up! We don't have the money to keep replenishing the fund. We know license sales are down; they're down. Registrations are down. I would hope that this committee will come back with a recommendation of how to fund the search and rescue fund. We need it. We encourage people to come to New Hampshire. We're a great tourist destination; we want them here. Well, we've got to find a way to fund their search and rescue if indeed they get lost.

I'll make one little point: We had a situation in Maine yesterday where a young man was on Mount Katahdin. He got lost coming down. He was rescued – he was rescued. It took a lot of time, it took a lot of money, but the young man was rescued. He's got frostbitten feet; hopefully he will recover. We had a situation in New York just last week: Two West Point cadets were saved in a search and rescue situation in a night helicopter rescue. So, these things happen around the country; we've got to find a way to fund it in New Hampshire. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Yes, thank you, Mister President. The problem with the legislation as introduced is that it was going to go target a very small audience of hikers: those people who stay at the Appalachian Mountain Club, the eight huts, the hotel at Crawford Notch, and people in the Randolph Mountain Club. As such, we got an opinion that the funding mechanism suggested by Senator D'Allesandro, my good friend, is unconstitutional.

I am a hiker; you all know that. I spend virtually every weekend hiking in the White Mountains. And, I have seen situations that obviously need to be addressed. And, everything that Senator D'Allesandro has said is correct about the history of this fund; we heard testimony in the Committee about the lack of the equipment that our Fish and Game personnel have. But, given the unconstitutional nature of the fee, the Energy and Natural Resources Committee believes that we have to look at this in a comprehensive manner. And, given the fact that we all know that no new fees or new taxes are likely to pass, we've got to figure out a different solution. There are other states that have voluntary rescue passes; Colorado is one of them. My kids – I have three boys that live in Colorado – I'm climbing 4,000-footers; they're climbing 14,000-footers, and this is how they do it in Colorado. It makes a lot of sense to do it, but the Committee wasn't ready to take that step today. Should we look at helicopter policy? That's what drives the expense, Senator. There are helicopters that are absolutely necessary; perhaps this one in Katahdin was. But, there are times when helicopters are out when perhaps it isn't necessary.

So, these are things that ought to be studied calmly. And, we will do that. Thank you, and I urge support for the committee amendment.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 144, relative to extending certain permits and approvals. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Energy and Natural Resources

February 17, 2011

2011-0402s

08/03

Amendment to SB 144

Amend RSA 674:39, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding the time limits established in paragraph I, every subdivision plat and site plan approved by the planning board on or after January 1, 2007 and prior to July 1, [2009] **2011** shall be allowed 36 months after the date of approval ***or until July 1, 2012, whichever is greater***, to achieve active and substantial development or building as described in subparagraph I(a) and every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and prior to July 1, [2009] **2011** shall be allowed 6 years after the date of approval to achieve substantial completion of the improvements as described in paragraph II.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 144 Ought to Pass with Amendment. The intent of Senate Bill 144 is to extend protection from zoning and regulatory changes for approved development projects that are stalled due to the poor economy.

This bill follows in the footsteps of Senate Bill 93, which was sponsored by Senator Bragdon, and passed into law two years ago. RSA 674, Section 39 relates to two critical timeframes for developments: the period of time during which you must actively begin a project, and the deadline for substantially completing your project in order to earn vested rights against subsequent regulatory changes.

The amendment was introduced to correct two areas of the bill. The first change to the amendment deals with removing sections 2 and 3 of the bill, as those sections have already been addressed in Senate Bill 38. The second minor change seeks to change the language in section 1, dealing with time limits in order to protect projects that would have expired in 2010.

I respectfully request that the Senate support the Energy and Natural Resources Committee recommendation of Ought to Pass with Amendment on Senate Bill 144. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley asserts Rule 2-15 on SB 144.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on SB 144.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. Ought to Pass with Amendment, Vote 4-0. Senator Larsen for the committee.

Senate Executive Departments and Administration
February 17, 2011
2011-0400s
04/03

Amendment to SB 53-FN

Amend RSA 326-B:26 as inserted by section 3 of the bill by replacing it with the following:

326-B:26 [~~Licensed~~] Nursing Assistant Registry.

I. The board shall maintain a registry of nursing assistants [~~licensed~~] who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered [~~or licensed~~] shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

II. *The nursing assistant fund is established in the state treasury and continually appropriated to the board which shall administer the fund. The fund shall be used only for administration of the licensed nursing assistant registry and related expenses.*

III. *All registry charges relating to nursing assistants shall be credited to the fund.*

SENATOR LARSEN: Thank you, Mister President. I move Senate Bill 53 Ought to Pass with Amendment. The purpose of this legislation is to protect New Hampshire citizens by clarifying who may call themselves a nurse.

The Board of Nursing requested this bill due to the citizen complaints regarding substandard care provided by those calling themselves a nurse, when in fact they had not been educated as nurses, nor licensed. Part 1 of the bill provides the public with the definition of a "nurse", whether APRN, an RN, or an LPN. Nursing assistants fall in a different category. Federal rules govern nursing assistants. While federal law does not require nursing assistants to be licensed, most voluntarily obtain a license for an LNA. For those who choose not to, a federally funded registry is offered free of charge, and this registry is maintained by the Board, as well.

The bill not only adds a definition for "nurse" in part 1, but in part 2, it restructures a confusing financial system. Instead of three financial organizations currently maintained by the Board, Senate Bill 53 will simplify the organization to two: one for the license fees of APRNs, RNs, and LPNs, and one for nursing assistant registration activities.

Senate Bill 53 will clarify various levels of nursing for the public and simplify the finances of the Board, making them more understandable to citizens and nursing registrants. It makes good sense, and that's why Senate Bill 53 was recommended Ought to Pass as Amended. We appreciate your support and consideration in passage of Senate Bill 53-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

Sen. Carson moved to Table SB 53-FN.

The question is on the motion to Table. Adopted.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
February 17, 2011
2011-0401s
04/03

Amendment to SB 81-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Terms of Appointment; Commissioners; Limitation Added. Amend RSA 21:33-a, III(a) to read as follows:

III.(a) That any commissioner or agency head of a department, as defined in RSA 21-G:5, VI, who is an unclassified employee of the state, and appointed to such position, shall serve for the appropriate term or unexpired portion thereof. The commissioner or agency head may serve beyond the appointed term or unexpired portion thereof with the written authorization of the governor, *provided that such service shall not extend beyond 6 months*. This subparagraph shall also apply to the adjutant general and the attorney general, and to appointees to the liquor commission, the lottery commission, the racing and charitable gaming commission, and the public utilities commission.

2011-0401s

AMENDED ANALYSIS

This bill provides that commissioners of agencies have the authority to transfer or reassign personnel within the agency and to delegate, transfer, or assign the authority to administer programs or services within components of the agency. The bill also limits the extension of the service of a commissioner or agency head as a holdover from an expired term.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 81-FN Ought to Pass as Amended. Currently, the Commissioner of the Department of Health and Human Services has the authority to transfer or reassign personnel within and between any division or office within the Department if the Department operates with vacancies where key duties need to be performed. This bill authorizes other commissioners of specific departments to operate in the same manner. This legislation is an effective tool for commissioners that otherwise may be impaired by vacant positions.

In addition, this bill limits the extension of service of an unclassified employee of the state appointed to such position to serve beyond the appointed term or unexpired portion thereof with the written authorization of the Governor, provided that such services shall not extend beyond six months.

Mister President, the Senate ED&A Committee recommends Senate Bill 81-FN be adopted and asks for your affirmative support in its passage. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to oppose the committee amendment. The logic of the main bill makes sense, but the amendment, I'm afraid, crosses over into Executive authority, and is not within the constitutional restraints of the Legislature.

The amendment basically prohibits a holdover status for commissioners. This is a severe limitation, no matter who is Governor. There are times when you have a very competent commissioner who is willing to wait and keep in holdover status until perhaps a new commissioner who is qualified can be found. It has happened in existing scenarios: the Office of Information Technology. It took our state a very long time to find someone qualified to do that.

So, we have had commissioners who have been willing to work as hold-over status until their position is filled by another person. It crosses into the ability of what is already a fairly weak Governor's authority to be able to guide the state in the way voters elected them to guide. To have us, as legislators, tell the Governor that he can no longer have a commissioner serve who the Governor believes is acting in a valid and good way to enhance what is the Governor's agenda.

So, there have been instances when we've had holdovers for many months, and I believe it will severely hamper the Executive authority, and it may in fact be unconstitutional. So, I rise to oppose the committee amendment, and would urge the members, in this next vote, to vote no on this enabling Senate Bill 81, which is a decent bill, to continue.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the amendment. I believe I'm the only member of this body that's ever served on the Executive Council. We confirmed nominations by the Governor, and were the body that dealt with these nominations and dealt with holdovers. This is an impediment to that process. The Governor and Executive Council are elected by the people. The Governor has the power to nominate; the Executive Council has the power to confirm. What we're saying is, that that Council will now have a limitation in terms of its ability to deal with nominations or holdovers.

I think we're treading into very, very serious waters, here. The nominating power is given to the Governor. Holdover status is something that has been around New Hampshire for a long period of time. As Senator Larsen pointed out, there are reasons: there's the inability to find a competent replacement; there's a search process that Governors go through. It takes, sometimes, an extended period of time. Why should we limit – why should this Legislature limit that time period? I think there's a constitutional question here in terms of the Executive's power being breached by the Legislature. This is a constitutional authority given to the Governor: the nomination of nominees. And, when you look at the list of nominees that are covered here, they're essential parts of the governmental process. I think we ought to be very careful about what we do in terms of moving into other branches of government. We've got enough to do right here in the Legislature, okay? And, this isn't one that we need to study. I firmly believe, having served in the Executive Branch, and really enjoyed my time in the Executive Branch, having served in the Legislative Branch, both in the House and in the Senate, that this is an overreach. And, I would hope that my colleagues would not support this amendment, would support the underlying bill, which is good public policy. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Yes, thank you very much, Mister President. I just want to clarify that the Legislature has authority to set the term of office for any commissioner; it could be two years, it could be four years, it could be six years. RSA 21-G:5, VI, which we are proposing to amend, has established holdover status in the existing amendment. All we're suggesting with this amendment is that we limit the amount of holdover status that there is. Clearly, that's within the legislative purview, as it's also possible that the Legislature can eliminate positions, including those positions that would be appointed under this type of situation.

So, we don't see that there's a constitutional issue; this is a good government issue, so that it's clear what the status is of those people that are appointed by the Governor. And, the Governor always, if there are issues, can reappoint that particular person. So, I urge the full body to support the committee amendment and move Ought to Pass.

(The Chair recognized Sen. D'Allesandro for a question of Sen. Bradley.)

SENATOR D'ALLESANDRO: Senator Bradley, what has prompted this legislation? Is there any problem with the holdover situation as we speak? I noticed you have in here the adjutant general, the attorney general, appointees to the liquor commission, the lottery commission, the racing and charitable gaming commission, and the public utilities commission. Is there a super-problem that we face right now?

SENATOR BRADLEY: No specific problem, Senator. We just feel it's a good government issue that that process should have a time limit on it and that holdover status should not be able to continue indefinitely.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Committee Amendment adopted.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

February 23, 2011

2011-0475s

10/05

Floor Amendment to SB 81-FN

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Department of Administrative Services; Commissioner Authority; Personnel. Amend RSA 21-I:13, VIII to read as follows:

VIII. Have the authority to [~~temporarily~~] assign and reassign the personnel of the department among the *divisions, bureaus, sections, units, or other* organizational [units] *subdivisions or components* of the department.

SENATOR CARSON: Thank you, Mister President. This amendment came in at the request of the Department of Administrative Services. It's just language that they feel is going to work best for their department. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

FINANCE

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. Ought to Pass, Vote 5-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 158-FN Ought to Pass. This bill requires the Commissioner of the Department of Environmental Services to provide state aid to eligible entities with wastewater and public water supply projects that were eligible for Section 8 but were not funded beginning in 2009 due to budget reductions with any new appropriations that become available before providing such funding for any other new projects.

Please support the Finance Committee's motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

SB 72-FN, establishing a comprehensive cancer plan fund. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Health and Human Services

February 11, 2011

2011-0304s

01/04

Amendment to SB 72-FN

Amend RSA 126-A:66, I-IV as inserted by section 1 of the bill by replacing it with the following:

I. Evidence-based youth tobacco use prevention strategies. Such efforts shall follow the Centers for Disease Control and Prevention's report "Best Practices for Comprehensive Tobacco Control Programs-2007."

II. Breast, cervical, and colorectal cancer screening.

III. Survivorship initiatives.

IV. Palliative initiatives.

SENATOR KELLY: Thank you, Mister President. I move Senate Bill 72-FN Ought to Pass with Amendment. This bill reauthorizes the comprehensive cancer plan fund and the comprehensive cancer plan oversight board that are currently scheduled to sunset on June 30th, 2011.

The cancer plan fund provides strategies to address the burden of cancer in our state through youth tobacco prevention, various cancer screenings, and survivorship and palliative care initiatives. The oversight board ensures that funds within the cancer plan are used appropriately and effectively to implement the provisions of the comprehensive cancer plan. Reauthorizing the fund strengthens the commitment of the state to proactively fight cancer.

The committee amendment removes any general fund appropriation from the plan. In this current fiscal climate, it would not be prudent to ask for state appropriations to fund the cancer plan. By keeping the cancer plan fund active, we retain a cable through which we may accept outside grants and gifts to put towards fighting cancer.

Keeping in mind the burden of cancer on New Hampshire families, I ask that you join the Health and Human Services Committee in voting Ought to Pass with Amendment on SB 72-FN. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 95, establishing a committee to study youth sports concussions. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Health and Human Services

February 11, 2011

2011-0295s

04/05

Amendment to SB 95

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study youth sports concussions and other concussions received while at school.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study youth sports concussions and other concussions received while at school.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) A physician licensed in New Hampshire or other health care professional, appointed by the governor.

(b) A member from the New Hampshire School Boards Association, appointed by that association.

(c) A member from the New Hampshire Athletic Trainers' Association, appointed by that association.

(d) A member from the Brain Injury Association of New Hampshire, appointed by that association.

(e) An athletics coach from a New Hampshire high school, appointed by the governor.

(f) The director of the division of parks and recreation, or designee.

(g) A member from the New Hampshire Interscholastic Athletic Association, appointed by that association.

(h) A member from the New Hampshire School Nurses' Association, appointed by that association.

(i) The president of a New Hampshire company specializing in head impact biomechanics, or designee, appointed by the governor.

(j) The bureau chief of the bureau of developmental services, department of health and human services, or designee.

II. Members of the commission shall serve without compensation.

3 Duties.

I. The commission shall study:

(a) Youth sports concussions and other concussions received while at school and how the adults involved should educate youths and their parents or guardians about the nature and risk of head injury and concussion, and how best to identify and handle suspected and confirmed youth concussions and brain injuries.

(b) The logistics of implementing a so-called "return-to-play" system, including who can provide medical clearance in a return-to-play system.

(c) What training or certification is necessary to certify that a youth is safe to return to play.

(d) The impact, including but not limited to costs and liabilities, on municipalities and school-based athletic activities of implementing a return-to-play system.

II. The commission shall solicit the advice and expertise of helmet manufacturers on concussion-related issues and any other issue that the commission deems appropriate.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011. The commission shall submit an electronic copy of the signed final report to the office of information technology which shall post the report on the state of New Hampshire's website.

6 Effective Date. This act shall take effect upon its passage.

2011-0295s

AMENDED ANALYSIS

This bill establishes a commission to study youth sports concussions and other concussions received while at school.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 95 Ought to Pass with Amendment. SB 95 establishes a committee to study youth sports concussions. With over 60,000 student athletes sustaining concussions each year in New Hampshire, it is important that we study the issue now to ensure that any concussion sustained by youths in New Hampshire are addressed properly, with the youth's health and safety in mind.

The proposed Committee Amendment 0295s would change the committee to a commission, made up of experts on brain injuries, youth sports, and other important stakeholders. The commission members have the knowledge and insight to address the state of this issue in New Hampshire today. The amendment also expands the scope of study to include concussions sustained while at school that are unrelated to sports, studying potential liabilities, and seeking expertise from local helmet manufacturers.

The commission will be charged with the duty of assessing the best way to educate parents, coaches, and teachers on the risks of concussions, and how to treat and identify the symptoms, and how to treat a suspected youth concussion.

The commission will also investigate the best way to implement a "return-to-play system in our state, and address the potential cost of training, educating, and implementing a return-to-play system."

The health and wellbeing of New Hampshire's youth is a paramount, and therefore the Health and Human Services Committee unanimously recommends that SB 95 Ought to Pass with Amendment, and we ask for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 102, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Health and Human Services

February 11, 2011

2011-0296s

01/05

Amendment to SB 102

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

Amend subparagraph I of section 2 of the bill by inserting after subparagraph (l) the following new subparagraph:

(m) Two representatives of veterans organizations who serve on the state veterans' advisory committee, appointed by the chairman of the state veterans' advisory committee.

Amend section 2 of the bill by inserting after paragraph II the following new paragraph:

III. In appointing members to the commission, the appointing authorities shall give priority to persons who served on the commission established by 2008, 257 (HB 1335 of the 2008 legislative session).

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

2011-0296s

AMENDED ANALYSIS

This bill establishes a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

SENATOR KELLY: Thank you, Mister President. I move Senate Bill 102 Ought to Pass with Amendment. SB 102 establishes a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

With the proposed committee amendment, the scope of the study commission has been expanded to include all service members who have sustained brain injury or acquired post-traumatic stress disorder while in the line of duty, whether at a training facility here in the United States or in overseas combat.

This commission has existed in the past; it was first formed two sessions ago and issued an interim report, but demanded more time to study. Last session, the bill passed once again, but was not acted on. It is now our duty to fully study this issue in order to support our servicemen and women who risk their lives to protect ours. This commission will study issues that were not fully addressed in the original commission, assess our state's resources, and come up with a plan for how to best help our soldiers and veterans. This will all be done within a definitive time period, allowing for recommendations to be implemented at the next legislative session.

In addition to expanding the scope of servicemen being studied by the commission, the amendment also adds two members from veterans service organizations to the commission, and it includes language that will give membership priority to those who were on the 2008 commission.

Traumatic brain injury has become the signature injury for the war on terrorism, and with thousands of New Hampshire servicemen and women stationed around the country and the world engaged in this war.

The Health and Human Services Committee asks that you join us in supporting our soldiers and veterans by voting Ought to Pass with Amendment on SB 102. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 122, establishing a committee to study the laws relating to electronic prescriptions. Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 122 as Ought to Pass. This legislation establishes a committee to study laws relating to electronic prescribing and will review ways to move forward on the initial steps made towards the electronic prescribing for the Department of Health and Human Services last year.

Today, only 25 percent of the licensed physicians in New Hampshire use e-prescribing, although 75 percent have the technology. Likewise, only 12 percent of the 96 percent of New Hampshire pharmacists with e-prescribing capabilities take advantage of the technology.

The committee to study e-prescribing will look for reasons behind the low penetration levels and ways to improve the trend. The committee will also suggest ways to improve the prescribing process, such as real-time prior authorization and the use of e-prescribing as a reverse communication tool from pharmacies to physicians.

The federal Medicaid program is currently offering incentives to states that use e-prescribing systems through 2011, and will assess penalties for those who do not e-prescribe as of 2012. Our state cannot afford to receive diminishing levels of federal Medicaid reimbursements, and by studying e-prescribing in New Hampshire, we can make sure that does not happen. Electronic prescriptions will lead to increased savings and will create greater efficiency and patient safety in healthcare.

The Health and Human Services Committee recommends that SB 122 be voted Ought to Pass, and we ask for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

JUDICIARY

SB 34-FN, relative to orders of notice in cases involving guardianship of minors. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Senate Judiciary
February 11, 2011
2011-0301s
05/04

Amendment to SB 34-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

Amend the bill by replacing all after section 2 with the following:

3 Petition to Marry by Party Under Age. Amend RSA 457:6 to read as follows:

457:6 Petition by Party Under Age. If special cause exists rendering desirable the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to ~~[a justice of the superior court, or to the judge of probate of the county]~~ ***the judicial branch family division having jurisdiction in the location*** in which one of them resides, for permission to contract such marriage. No waiver shall be granted to persons below the age of consent if both parties are nonresidents.

4 Child Protection Act; Adjudicatory Hearing Date. RSA 169-C:15, III(d) is repealed and reenacted to read as follows:

(d) Set a date for an adjudicatory hearing. In all cases, the adjudicatory hearing shall be held and completed and written findings issued within 60 days from the date that the petition was filed with the court. If a child is in an out-of-home placement, the adjudicatory hearing shall be held and completed within 30 days from the date the petition was filed with the court, unless the court makes a written finding of extraordinary circumstances requiring the time limit to be extended.

5 Effective Date.

I. Section 3 of this act shall take effect January 1, 2012.

II. The remainder of this act shall take effect 60 days after its passage.

2011-0301s

AMENDED ANALYSIS

This bill:

I. Clarifies the court's responsibility for sending orders of notice in guardianship cases and provides for charging the mailing cost to the petitioner.

II. Transfers jurisdiction for approvals of marriages for persons under 18 years of age to the judicial branch family division.

III. Establishes and clarifies the time period within which the court must hold the adjudicatory hearing in child protection cases.

This bill is a request of the supreme court.

SENATOR HOUDE: Thank you, Mister President. I move Senate Bill 34-FN Ought to Pass with Amendment. This bill deals with orders of notice in cases involving guardianships of minors, and was filed at the request of the Supreme Court to deal with inconsistencies in the statutes. The bill clearly states that it is the court's responsibility to send out orders of notice, but that the petitioner will be charged for the cost, consistent with what is done in similar other court processes currently.

The committee amendment adds two Family Division-related matters. The first clarifies that all approvals for underage marriages will be handled by the Family Division as opposed to being heard by either the probate or superior courts, which is consistent with the philosophy of having one court for family matters.

The second part of the amendment involves the scheduling of adjudicatory hearings in abuse and neglect petitions. Under existing law, all petitions must be heard within 30 days. The amendment would clarify that in cases where a child is placed outside of the home and away from parents, a hearing would still be required within 30 days. However, for children who are remaining in the home and there is a safety plan in place, hearings would have to be held within 60 days. I would add, Mister President, that the 60 days is consistent with the national standard in these cases. It ensures that children placed outside the home will continue to receive priority hearings, as they should, but that with current court demands, those cases involving children who remain in the home do not have to have priority over other family cases.

The Judiciary Committee unanimously recommends that SB 34 be adopted with amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 64, removing the oath requirement for criminal complaints filed by police officers. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Judiciary
February 11, 2011
2011-0300s
04/01

Amendment to SB 64

Amend RSA 592-A:7, I as inserted by section 1 of the bill by replacing it with the following:

I. Criminal proceedings before a district court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense *or misdemeanor* shall not require a signature or an oath. ~~[Any complaint filed electronically]~~ **All complaints** shall include notice that making a false statement on the complaint may result in criminal prosecution.

2011-0300s

AMENDED ANALYSIS

This bill removes the oath requirement for criminal complaints filed by police officers.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 64. This legislation was filed at the request of the Supreme Court and the Department of Safety.

This legislation will ease the administrative burden on both the courts and the police officers, without compromising quality. If cases go to trial, the charges would still be proven beyond a reasonable doubt. As the court system moves to more efficiency, being able to file electronically will be more cost effective.

The amendment clarifies that these electronic filings are for violation-level and misdemeanor cases only, and that all complaints shall include notice that making a false statement may result in criminal prosecution.

The Judiciary Committee recommends that SB 64 be adopted with amendment and asks for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 173, proclaiming January 24 of each year as Granny D. Day. Ought to Pass with Amendment, Vote 3-2. Senator Merrill for the committee.

Public and Municipal Affairs

February 15, 2011

2011-0357s

04/01

Amendment to SB 173

Amend RSA 4:13-p as inserted by section 1 of the bill by replacing it with the following:

4:13-p Granny D. Day. The governor shall annually issue a proclamation calling for the proper observance of January 24 as Granny D. Day in honor of Doris "Granny D." Haddock as a New Hampshire citizen of national significance for her stalwart leadership and passionate dedication in fighting for campaign finance reform and her walk across America at the age of 90.

SENATOR MERRILL: Thank you, Mister President. I move Senate Bill 173 Ought to Pass with Amendment. This bill calls upon the Governor to issue an annual proclamation observing January 24th as Granny D. Day, that being Granny D.'s birthday.

Doris "Granny D." Haddock of Dublin acted upon her convictions with passion, courage, and creativity. She's probably best known for undertaking a 3,200 mile walk across the United States to demonstrate her commitment to campaign finance reform. She was joined by several dozen members of Congress as she walked the last leg of her trip, arriving at the Capitol 90 years young. Her memoir of the trip is read in schools from coast to coast.

Granny D. was truly a model of civic engagement. Please join the majority of the Public and Municipal Affairs Committee in recommending Senate Bill 173 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Barnes offered a floor amendment.

Sen. Barnes, Jr., Dist. 17
February 16, 2011
2011-0370s
04/01

Floor Amendment to SB 173

Amend the title of the bill by replacing it with the following:

AN ACT proclaiming January 24, 2012 as Granny D. Day.

Amend the bill by replacing section 1 with the following:

1 Granny D. Day to be Proclaimed on January 24, 2012. The governor shall issue a proclamation calling for the proper observance of January 24, 2012 as Granny D. Day in honor of Doris "Granny D." Haddock as a New Hampshire citizen of national significance for her stalwart leadership and passionate dedication in fighting for campaign finance reform and her walk across America at the age of 90.

2011-0370s

AMENDED ANALYSIS

This bill requires the governor to issue a proclamation calling for the proper observance of January 24, 2012 as Granny D. Day.

SENATOR BARNES: Thank you, Mister President. What this amendment does, is proclaiming January 24th, 2012, as Granny D Day.

"Granny D Day, to be proclaimed on January 24, 2012. The Governor shall issue a proclamation calling for the proper observance of January 24, 2012, as Granny D Day, in honor of Doris "Granny D." Haddock as a New Hampshire citizen of national significance for her stalwart leadership and passionate dedication in fighting for campaign finance reform and her walk across America at the age of 90."

And, I would appreciate a 24-0 vote on this. I think it's a fitting tribute for Granny D.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I certainly appreciate Senator Barnes coming forward and bringing forth this amendment, because I think we should recognize Granny D. for all of the good things that she did, and bringing something, I think, to a level where people around the country recognized it – recognized that here's a woman dedicated to civic responsibility, civic engagement, who, at age 90, walked across the United States.

Now, one of the things that I think we fail to do as a Legislature – and, we have failed for a number of years – is recognize the prominent role that women have played in the political process. We had to amend the Constitution of the United States to give women the right to vote. We had to amend the Constitution of the United States to give women the right to vote. Now, when you think about that, and my colleagues here, the women in this body, can you imagine not having the right to vote? Can you imagine if the Senate President had to say: "Of those seated, only males could vote, but you women, you can participate." We rectified that with an amendment to the Constitution.

Women have played vital roles in all of our lives, in all of our lives. And, it seems to me, when New Hampshire has a woman who went out of her way to bring something to the attention of the nation – you know, finance reform: we all talk about finance reform, but this woman actually did something about it, and walked across the United States. My dear

friend Senator Bradley, she might have gone up all those mountains if she had to. I mean, she would have done it! I think she would have done it at 90-plus years of age. And, came back to the state; I met her right out in front of this State House – right out in front of this State House! – when she returned from that journey.

How much of a deal is it for the Governor on an annual basis to write a proclamation saying: “This is Granny D. Day”. I mean, isn’t that the least we could do for someone who did so much for us? We sometimes look at these things and say, “Oh yeah. If we do it once, that’s okay.” Remember, our memories are pretty short; we’re not great for remembering the past. And, I think we have to remember the past, because as a historian, you learn from the past, because history does repeat itself, and it’s repeated itself on more than one occasion. It seems to be fitting and proper that we recognize Granny D. for the contribution that she made not only to New Hampshire, but to the citizens of the United States of America, which I think is important. If she did nothing else, what she proved is that you’re never too old to become involved, you’re never too old to do your civic duty, and you’re never too old to contribute. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise and oppose this amendment, and ask my colleagues to join me and to oppose the amendment.

You know, I think Senator D’Allesandro did address the fact that we have many people in our state that we’d like to honor and distinguish over time and over history. And, we look to, where is that threshold where we honor someone continually, every year, not just one year? And, I feel that Granny D., Doris Haddock, has reached that threshold. And, she has distinguished herself from others. And, one of the ways that she has done this is her civic duty, her civic work, and I think what really brings this to that level of an annual – every year – honor for her and a proclamation, is that she is recognized not only in this state – we are proud of what she has done in this state – but, she is not recognized only in this state. She is recognized across our country, and she is recognized worldwide. And, I think that that really raises this to a different level. She has been honored and she’s been recognized in the United States government, and she has worked with United States Senators in a bipartisan manner for fair elections and equal representation. And, that’s why we’re here. And, I think it is only fitting that this body recognizes her on that level. She has remarkable legacy, she has outstanding leadership – we hear it, we’ve seen it – and her significant impact on our entire country and on her state, I believe, makes her only deserving that on January 24th of every year, not only January 24th of 2012, that we proclaim honor to Granny D. in this state. I think she is deserving, and I ask for your support in opposing the amendment. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 174 Ought to Pass. This bill ratifies amendments to the Concord regional

solid waste/resource recovery cooperative agreement. It is an important housekeeping measure for the co-op. The proposed legislation amends chapter law that confirms the formation and sets forth the authority of the co-op.

The co-op was founded in 1985 by 27 communities to provide for the long-term disposal of solid waste through the joint participation in a centralized waste-to-energy facility. The work of the co-op is evolving to include the siting of a single-stream recycling facility and the use of recycling as a solid waste management tool. Notably, the original law creating the co-op did not expressly address recycling.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 174 be adopted and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to thank the Committee and to support the bill. I think Senate Bill 174 is an important step in improving the capacity of our state to accept and encourage recycling. The addition of a fairly expensive but valuable single-stream recycling facility will, I know, encourage myself as well as residents of my communities, but all of those 27 communities, and perhaps encourage further inclusion in a single-stream recycling facility. When you don't have to separate your recycling, more people do it.

So, it's a great bill. Thank you for your help on it, and I urge support for Senate Bill 174.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

TRANSPORTATION

SB 101, requiring the Pettengill Road project in Londonderry to be added to the state's 10-year transportation improvement program. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 101 Inexpedient to Legislate. This bill requires the Pettengill Project in Londonderry to be added to the State's 10-year transportation improvement plan.

The Committee heard from the Department of Transportation, and they explained that the 10-year transportation improvement plan has been well established by the Department in conjunction with the Governor. The Department of Transportation furthered their argument by adding that opening the 10-year transportation improvement plan to one community's project would only frustrate other communities who also have necessary transportation needs.

The Committee voted Inexpedient to Legislate because they felt it was inappropriate to open the 10-year plan when other funding opportunities could be investigated. The Transportation Committee asks for your support for the motion of Inexpedient to Legislate, and thank you.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I have to make my annual Pettengill Road speech, here. And, I hope my fellow Senators will indulge me.

This bill was brought in front of the Senate last session, and I want to thank the Transportation Committee for all their hard work in looking

at this bill and their discretion. I would just like to really reiterate the fact that this is a vital project for our region, from the state line to Concord, and now including the Route 3 area also, because of the airport access road going in.

This project would open up almost 1,000 industrial and commercially-zoned acreage adjacent to the Manchester Airport. There are businesses that want to move in, and there really is a sense of urgency, because the airport access road is very close to completion. And, anybody who has anything to do with any kind of a building project knows it's better to build it while all the other building is going on than to wait until after the building is complete and try to retrofit it.

We believe that we can get a good cost for building this road right now because of the way the market is. The town has been very, very aggressive in looking at alternate funding sources, and I believe the next bill will address one of those funding sources. But, again, this is a very important project, and I hope that as we move forward, I will gradually and hopefully be able to get your support on this. Thank you very much.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 159-FN-L, establishing a state infrastructure bank. Ought to Pass, Vote 4-1. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move Senate Bill 159 Ought to Pass. This bill establishes a state infrastructure bank and came at the request of the Department of Transportation.

The Committee heard from the State Treasurer, who is neutral on the bill, but explained creating and maintaining a state infrastructure bank is certainly feasible. The Committee also heard from the Department of Transportation, who supports the intent of the bill, the intent being the ability to leverage state and federal funds to support municipal transportation projects aimed at improving economic development.

The Committee does not want to be misconstrued as supporting the current piece of legislation as a concrete piece of legislation. The Committee unquestionably believes that there is work to be done in regard to the language and the fiscal components of the bill. We especially want to stress that the capitalization issue is of critical importance, and if not resolved, should be regarded as a fatal flaw. The Committee feels moving the bill to the Finance Committee will allow stakeholders more time to ascertain other means of funding the proposed state infrastructure bank rather than taking current dollars away from state-designated federal highway funds.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

WAYS AND MEANS

SB 40, making technical corrections to meals and rooms tax laws. Ought to Pass with Amendment, Vote 6-0. Senator Boutin for the committee.

Ways and Means
February 15, 2011
2011-0362s
10/04

Amendment to SB 40

Amend the bill by replacing section 1 with the following:

1 Suspension and Revocation of Licenses; Appeal. Amend RSA 78-A:5, II to read as follows:

II. Any operator aggrieved by a suspension, revocation or refusal of the commissioner may appeal from the ruling either by application to the board of tax and land appeals or by petition to the superior court in the county in which he or she resides or conducts his or her operation within 10 days after receiving written notice of the commissioner's ruling in the manner prescribed in RSA 78-A:15. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith. If the appealing operator files a bond running to the state in an amount fixed by the board of tax and land appeals or the court, with a surety company authorized to do business in the state as surety, conditioned on the payment of taxes due and to become due during the pendency of the appeal, the ruling appealed from is inoperative if it is a ruling of suspension or revocation. If the ruling appealed from is a refusal to ~~[issue a]~~ **renew an existing** license, the ~~[commissioner shall issue the license]~~ **existing license shall remain valid** during the pendency of the appeal if the appeal bond is given.

Amend the bill by replacing section 3 with the following:

3 Collection of Tax; Gender Neutral. Amend RSA 78-A:7, II to read as follows:

II. Each operator shall keep books and records in a form acceptable to the department showing the amount of all taxes collected. The operator shall pay the taxes over to the state as provided in this section. If the department believes that special action is necessary because payment of taxes collected may be in jeopardy, it may direct an operator to keep all taxes collected separate from any other funds. The department may require that the taxes be periodically deposited in a bank designated by the department, in an account in the name of the department. The department may withdraw these tax collections from the bank account and apply them to the payment of the taxes due from the operator. When an operator commingles tax money with money belonging to him *or her*, the claim of the state for the tax is traceable, is enforceable against all other claims and takes precedence over all other claims against the commingled funds. No taxes collected by an operator under this chapter may be sent outside the state without the written consent of the department.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 40 Ought to Pass with Amendment. This bill was requested by the Department of Revenue Administration after they reviewed the statutes pertaining to the meals and rooms tax and found some technical corrections needed to be made.

There were several references to the former 8 percent meals and rooms tax rate in statute that were not updated when the rate was increased to 9 percent. This bill updates the statutes to reflect the current rate. The bill also makes a change relative to suspensions or revocations of licenses. It eliminates language that required the Department to issue a license to a new operator starting up a new business to be effective during the appeals process in cases where the Department refused to issue the initial license. This was a time-consuming and inefficient practice in that the

license would often end up being revoked as a result of the appeals process. However, in the case of an existing operator's license being suspended or revoked, they are permitted by the Department to continue operating throughout the appeals process. It is not the Department's intent to shut down any existing business while they appeal a suspension or revocation.

The committee amendment simply adds language to clarify the intent in order to ensure that existing operators are not shut down.

The bill makes other minor technical corrections, ranging from ensuring operators keep meals and rooms taxes collected in a separate account to clarifying when an operator must file a surety bond with the Department. The overall intent of this piece of legislation is to clean up the meals and rooms tax statute to be consistent with the current practice.

The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you.

The question is on the adoption of the Committee Amendment.

Sen. Bradley moved to Table SB 40.

The question is on the motion to Table. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 20, relative to shoreland protection permits.

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.

SB 32, relative to water withdrawals for snow making.

SB 38, relative to extensions for wetland and shoreland permits.

SB 49, relative to tip pooling arrangements.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

SB 64, removing the oath requirement for criminal complaints filed by police officers.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units.

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school.

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

SB 109, establishing a committee to study the foreclosure process in New Hampshire.

SB 122, establishing a committee to study the laws relating to electronic prescriptions.

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.

SB 144, relative to extending certain permits and approvals.

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010.

SB 173, proclaiming January 24, 2012 as Granny D. Day.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative.

RULE 2-15'S

Sen. Bradley asserts Rule 2-15 on: SB 20, 38, 124-FN, 144.

Sen. Groen asserts Rule 2-15 on: SB 28.

ANNOUNCEMENTS

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. Mister President, members of the Senate, I had a bill for late introduction that was approved and circulated yesterday, and many of you probably saw it come across your desk. Unfortunately, we have had to amend that legislation; there was some boiler plate language on there that was not supposed to be on there. So, you are going to see it again today. And, the reason I rise to speak about it is because I'm told this has to be in by Friday. So, I would ask all your indulgence as you go back to your offices today, or before you leave today, if you could please make a point of signing off on that so that we can meet the requirements of the deadline. Thank you.

PRESIDENT BRAGDON: Thank you, Senator Boutin. The deadline is Friday at noontime for any late bills that were approved by the Internal Affairs Committee.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 36-FN-L, reducing the fee for copies of birth certificates.

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 72-FN-A, establishing a state aeronautical fund.

HB 132, adopting and implementing the United States flag code.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 172, relative to transporting school children to school and school-supported activities.

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts.

HB 216, relative to the instructional authority of school boards.

HB 278, setting the natural high water mark of Ossipee Lake.

HB 288-FN-L, relative to payment for election services to unincorporated places.

HB 299-FN, relative to the method of financing for the judicial retirement plan.

HB 336, designating segments of the Mascoma River as a protected river.

HB 364, relative to the membership of the state committee on aging.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security.

HB 399, relative to nonresident registration of motor vehicles.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river.

HB 570, relative to licensure of guides by the fish and game department.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 67, expanding the duties of the school administrative unit oversight committee. (Education Committee.)

HB 69, relative to the community college system of New Hampshire academic centers. (Education Committee.)

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar. (Education Committee.)

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. (Transportation Committee.)

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. (Transportation Committee.)

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. (Education Committee.)

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire. (Education Committee.)

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute. (Education Committee.)

HB 172, relative to transporting school children to school and school-supported activities. (Education Committee.)

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control. (Transportation Committee.)

HB 192, relative to commercial motor vehicle registration. (Transportation Committee.)

HB 216, relative to the instructional authority of school boards. (Education Committee.)

HB 363-L, relative to Depot Street in the town of Andover. (Transportation Committee.)

HB 399, relative to nonresident registration of motor vehicles. (Transportation Committee.)

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

11-0524

SB 4, requiring legislative approval of cost items for state employee contract negotiations. (Bradley, Dist 3; Bragdon, Dist 11; O'Brien, Hills 4; Bettencourt, Rock 4; Chandler, Carr 1: Executive Departments and Administration)

11-1075

SB 189, relative to the definition of mortgage loan originator. (D'Allesandro, Dist 20; Odell, Dist 8; Bradley, Dist 3; Chandler, Carr 1: Commerce)

11-1076

SB 190, relative to the duties and membership of the executive branch ethics committee. (D'Allesandro, Dist 20: Executive Departments and Administration)

11-1077

SB 191, relative to the registration of independent contractors for the purposes of workers' compensation. (De Blois, Dist 18: Commerce)

11-1078

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education. (Stiles, Dist 24; Kelly, Dist 10; Carson, Dist 14; Forsythe, Dist 4; Lovejoy, Rock 13; Schlachman, Rock 13; Sapareto, Rock 5; St. Cyr, Belk 5: Education)

11-1079

SB 193, relative to nomination of political organizations. (Stiles, Dist 24; Barnes, Jr., Dist 17; W. Smith, Rock 18; B. Murphy, Rock 18; Comerford, Rock 9: Public and Municipal Affairs)

11-1080

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. (Bragdon, Dist 11; Stiles, Dist 24; Merrill, Dist 21; Kelly, Dist 10; E. Smith, Ches 4; Kotowski, Merr 9; Gile, Merr 10; Major, Rock 8; Schroadter, Rock 12: Education)

11-1081

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. (Boutin, Dist 16; Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; De Blois, Dist 18; Forrester, Dist 2; Forsythe, Dist 4; Kelly, Dist 10; Larsen, Dist 15; Luther, Dist 12; Morse, Dist 22; Odell, Dist 8; Rausch, Dist 19; Sanborn, Dist 7; Stiles, Dist 24; Goley, Hills 8; Gagne, Hills 13; Infantine, Hills 13; Cusson-Cail, Hills 14: Transportation)

11-1084

SB 196, relative to the enrollment of laws. (Bragdon, Dist 11; Bradley, Dist 3; Bettencourt, Rock 4; O'Brien, Hills 4: Internal Affairs)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 9, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

Recently, the Schroadter Family of Newmarket suffered a terrible loss. Adam Schroadter is a member of the House of Representatives across the hall, and we keep them in our prayers and we are reminded that life is so fleeting and fragile. We are little more than water and a bit of calcium and some clothing. And, our times between the liquids of conception and the ashes of death can be brief.

Augustine said, "Be kind to the people you meet, for each of them is fighting a great battle." And, I find that to be true. We tend, in our deep and molten insecurities, to be brash, harsh, and judgmental in our dealings with each other, unaware of what hardships and losses we all have in our lives.

All over Christendom today, people are giving things up. It is my hope that we give up nothing, but that we take on kindness, instead. It's not a Christian issue; it's a human issue. Let us pray.

God of all human frailty, grant us so to be aware of our own human failings and our own human fragility that we do not assault each other with our smoldering fears wrapped in our thinly-veiled insecurities, but rather we approach everyone we meet with the kind of humility which honors the truth that we are all doing our best. May we face judgment and manipulation not with indignation, but with deep, deep compassion. Amen.

Sen. White led the Pledge of Allegiance.

Sen. Prescott is excused from today's session.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I'd like to introduce our Pages today. First, I'd like to introduce Amber Cronan. Amber is 16 and in 10th grade at Merrimack Valley High School. She lives in Penacook, which is part of Concord – has its own name but it's part of Concord. Her favorite subject is American systems and biology and her favorite book is *Before I Fall* and *Romeo and Juliet* – which is the name of my birds, by the way. Her favorite extracurricular activities are softball, running, volunteering at elementary schools, skiing, or being outside. And, in the future she hopes to become a teacher in either first grade or 10th grade in American systems. So, it's wonderful to have you here, Amber, and thank you; we are happy to have you and hope you find it a good learning experience.

Next, I'd like to introduce Eric Lang. Eric, again, is 16 and in the 10th grade at Merrimack Valley High School in Penacook. His favorite school subject is computer technology courses. His favorite book – although he says it's not his favorite – but he must really like the book *Dragon Rider*. And, extracurricular activities include lacrosse. In the future, he hopes to be a billionaire! So, we hope you learn along the way today, Eric. Thanks for being here today.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. Mister President, I was honored on Sunday evening to offer welcoming remarks to the Pakistan United States Delegation to a bilateral conference on disaster preparedness, which is being held here in the State of New Hampshire. And, the delegations have been working very hard, and they've also been touring the state; last night they were in Dunbarton. And, I'd like to introduce...Accompanying the delegations are the high-ranking civil and military officials. And, I'd like to introduce the head of the Pakistan Delegation: Ahmed Kamal; and I'd also like to introduce the person leading the United States Delegation, Ambassador George Bruno. And, I would ask the Senate to extend them a warm welcome today.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: SB 23-FN, SB 30, SB 35-FN-A, SB 46, SB 47, SB 57, SB 71-FN, SB 74-FN, SB 82-FN, SB 87, SB 89, SB 94, SB 104, SB 108, SB 131-FN, SB 133-FN, SB 135-FN-A, SB 138-FN-A, SB 139-FN, SB 143-FN, SB 145-FN, SB 148-FN, SB 149-FN-A-L, SB 150-FN, SB 163-FN, SB 164, SB 168-FN, SB 169-FN, SB 172, SB 178, SB 184, SB 185-FN, SB 186-FN, SB 188-FN.

MOTION TO AMEND SENATE RULE 7-1
PROPOSED AMENDMENT TO SENATE RULE 7-1

Sen. Bradley moved to amend Senate Rule 7-1.

Amend Senate Rule 7-1 by replacing with the following:

7-1 Senate staff, composition and duties.

The staff of the Senate shall be comprised of:

- (1) a Clerk, who shall be elected by the Senate;
- (2) Clerk's office staff, who shall be nominated by the Clerk and appointed by the President; and
- (3) such other personnel as the President shall appoint.

The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. As everybody knows, we have had a brief discussion amongst ourselves about how we make sure that the Office of the Senate Clerk is handled in the most professional and nonpolitical way. And, by allowing our Clerk, who we all voted for unanimously and in a bipartisan way, to make nominations of her staff that would then be appointed by the President is in fact a manner that we can ensure that we have a professional Clerk's staff and that it is as nonpartisan as humanly possible. So, with that, I commend this rule to the entire body and look forward to having your support. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I've been around here, Mister President, for the last 13 years. I haven't seen any faulty situation vis-a vis the election of our officers; I want to make that clear. And, some of my colleagues have been here for that same period of time.

Mister President, I rise in opposition to the proposed amendment to Senate Rule 7-1. I do so because I believe that this proposed amendment represents a significant policy change with regard to the operation and management of the Senate, and additionally serves as a deviation from the tradition of openness, transparency, and nonpartisanship that has always – in my time in this institution – defined the Senate Clerk's Office.

As all of you know by now, the Senate Clerk's Office is the entity through which all important business of the Senate flows. Any number of important duties are facilitated and carried out by the Senate Clerk and her staff every day. These responsibilities are critical to the effective and efficient functioning of this chamber and those who are members of this chamber.

At present, the Assistant Senate Clerk along with the Senate Sergeant-At-Arms and the Senate Doorman are positions elected by the majority of this body. With that process comes the opportunity for public debate by the Senators followed by a vote of this body that's recorded and entered into the permanent record. The current proposed rule change before us today would allow for the appointment of the Assistant Clerk and additional Clerk's Office personnel to be appointed by the Office of the President. I believe that this rule has the potential to threaten the very integrity of the Clerk's Office and subsequently the Senate by blurring the lines of

nonpartisanship that are imperative in that office. Additionally, this new proposal would serve to eliminate the public and transparent process by which these offices of the Senate have been traditionally chosen. Usurping the authority of this legislative body and choosing a process that's currently open, transparent, and without fault are not concepts that I feel comfortable with.

I would ask my colleagues to join me in voting nay on the proposed rule amendment to Senate Rule 7-1. There are those of us that have been in this Senate for a long period of time. We know that the majority rules the Senate; we accept that. That's the democratic process; that's a parliamentary process that's been in place since this Senate was formed. I don't see any reason why we should deviate from a process that's been in existence for the hundred years the Senate has been in existence. What's wrong with what we have been doing – with Republican leadership, with Democratic leadership – over these years? We've had good rapprochement between the parties in terms of the election of our officers. No one has ever been not elected that wasn't supported by the majority – no one! It has never failed to work. Why, then, are we changing it? Why? And, I think, Mister President, that's what I bring to your attention: Why is the change an imperative when there's never been a problem? Think of that. We're trying to fix a problem that doesn't exist. Why do we do that? Why do we waste our time on looking for trouble when we have many, many more important duties to perform in this Senate? We've got an economic situation that's upon all of us. We see what's happening in our state and in our nation. And yet, the desire to be civil to one another, the desire to get things done by working together seems to be dissipating. And, it's things like this that cause that dissipation to accelerate.

I understand numbers; I can count. But, I say to you, Mister President, and to my colleagues: We have had a system in place that's been fair, it's a system that has worked for this body and, as a result, I think that the change being offered is a change that we don't need. We don't need to change things that are working well. We need to change things that aren't working well, and those changes should be for the benefit of the people that we represent. Therefore, Mister President, I state my opposition. And, again, I say: We have a situation here that has worked well since the inception of this body, and now we are changing something that doesn't need to be changed. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: Senator Bradley, I know you recognize the importance of nonpartisanship in the processing that the Clerk's Office does; that nonpartisan trust in the sense that our materials are handled in a nonpartisan way. What is the need now to have an Assistant Clerk and any other member of the Clerk's staff be appointed by the President? I understand that you recognize some of our objection by allowing the Clerk's staff to be nominated by the Clerk, but it still leaves the appointment by the President. What is the problem we're addressing here that hasn't worked in the last hundred years that we need to now fix?

SENATOR BRADLEY: Thank you very much for the question, Senator Larsen. And, I would answer it in this way: This is really a good government type of situation, to make sure that, whomever the Clerk is, that individual can run his or her office – in this case, obviously, our Clerk is somebody that you and I had the pleasure of nominating

because we do believe in the nonpartisan nature of having a Clerk that handles the business of running the Senate in the most appropriate way possible. I would tell you, I would tell my friend from Manchester, that what we're proposing today better protects the rights of the minority. When you had 14-10 last year, your majority could elect whoever they wanted with no complication, no discussion; it's 14-10! We could do the same thing at 19-5! So, by allowing Miss Wright – who we all trust, whose integrity is unimpeachable – to be able to make the nominations, it protects your rights better than the current system. That's why we're doing it. It's good government and it's protecting the rights of the minority.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Bradley.)

SENATOR LARSEN: Is it not equally and better protected by the election of officers so the body has the ability both to...And, the other part is that by having it be a position that the Clerk is the head officer of the Clerk's Office rather than having her staff be appointed by the Senate President, in essence.

SENATOR BRADLEY: Again, it's a good government motion to make sure that the Senate Clerk can run his or her office in the most effective and efficient way possible. I think we all would agree that that needs to happen. But, to get back to what I was saying before, right now, without this rule, whomever in the majority can nominate and effectively ensure all the staff are whomever they want it to be. So, we are putting the major responsibility, quite frankly, on the nonpartisan position here – the Clerk – to make the nomination. So, the Senate President is not going to be able to appoint somebody that our Clerk – that both you and I trust completely and implicitly and, as I said before, whose integrity is unimpeachable – it adds another level of making sure that we run the business in the most nonpartisan way possible. And, I think that when you see how this will work out in the coming years – and, I know that Senator D'Allesandro expects to be here for the next hundred years, and I hope to climb a couple of more mountains, you know, before that happens; I'm not going to be here that long. But, I suspect when the people that will sit in our seats in the future will see this as a very reasonable change to protect the rights of the minority.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I respect the Majority Leader's comments and hold them dear to my heart. And, I hope that I can live a hundred years – a hundred more! A hundred more would be a blessing!

Mister President, knowing of your actions when you were Minority Leader, no one was ever bashful about debating an issue in this Senate and being heard by the President about that issue. And, if there's a problem, in a democratic process, one gets up and debates the issue. This body is a debate body; this is a discussion and debate body. So, I think the situation of doing something for better government...We always want to do things for better government, but we've had pretty good government here since I've been here, and I have never seen an individual Senator stymied when they had a complaint or wanted to discuss a particular issue. And, as a result of that, if indeed the person nominated doesn't fit with the minority, the minority has an opportunity to bring that forward and to discuss it. I mean, that's the whole genesis of the Senate. When

Senates were constituted as part of the bicameral legislative system, they were constituted as societies where debate could occur, where significant discussion and debate would occur, and where an issue would be brought before the body, talked about before the body, and then that decision made. So, I think we have ample opportunity to do that. And, as I say, it's proved very effective since the inception of the Senate, and I think it will continue to prove very effective. I think this change in the law is not going to enhance the credibility and the reliability and the good government aspect of the running of the Clerk's Office. We've always had that; we'll continue to have that, and I think the change is unwarranted. Thank you, Mister President.

Sen. Barnes moved the question. Without objection President Bragdon closed debate.

The question is on the motion to amend Senate Rule 7-1.

A roll call was requested by Sen. Houde, seconded by Sen. Larsen.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 18 - Nays: 5

Adopted by the necessary 2/3 vote.

COMMITTEE REPORTS

COMMERCE

SB 57, relative to regulation of title loan lenders. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Commerce

February 22, 2011

2011-0451s

08/10

Amendment to SB 57

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Title Loan Renewals. Amend RSA 399-A:15 to read as follows:

399-A:15 Title Loan Renewals. A title loan shall be for an original term of no more than one month. A title loan lender may allow such loan to be renewed no more than ~~[11]~~ 10 additional periods each equal the original term, provided however, that at each such renewal the borrower must pay at least [5] 10 percent of the loan's original principal balance, in addition to any finance charge owed, to reduce the principal balance outstanding. If the borrower cannot pay this principal reduction at any renewal, the title loan lender may either: (i) declare the borrower in default, or (ii) allow the loan to be renewed, provided that the lender shall reduce the current principal amount of the loan by [5] 10 percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such amount shall not be entitled to accrue interest thereafter. For the purpose of this section, a renewal is any extension of a title loan for an additional period without any change in the terms of the title loan other than a reduction in principal. No accrued interest shall be capitalized or added to the principal of the loan at the time of any renewal.

2011-0451s**AMENDED ANALYSIS**

This bill:

I. Increases the maximum percentage of interest allowed to be charged by title loan lenders annually.

II. Reduces the number of additional pay periods for which a lender may allow a title loan to be renewed.

III. Requires a borrower whose title loan has been renewed to pay at least 10 percent of the loan's original principal balance at the time of renewal.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 57 Ought to Pass with Amendment. This bill allows for the ability of an industry to come back to our state and both provide a needed service of often short-term automotive title-based loans to our residents and it will create much-needed jobs to help our economy.

In response to concerns raised at the hearing, the Committee worked hard with all sides to amend Senate Bill 57 to provide protections to the residents of New Hampshire and still provide reasonable real-world flexibility to this industry. Under this amendment, anyone borrowing money on a monthly basis will be limited in the total amount they can borrow and limited to only one borrowing facility at a time. There is also a cap on the amount of interest that can be charged. This bill limits a borrower's ability to renew this loan to only ten consecutive months, and if they do renew the loan, there will be a requirement to make monthly principal payments of ten percent of the original loan balance, thereby resulting in a maximum loan duration of only ten months. Additionally, this industry will be regulated under the jurisdiction of the New Hampshire Banking Department.

Please join the Commerce Committee and vote Ought to Pass with Amendment on SB 57. Thank you.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to Senate Bill 57. In 2008, New Hampshire joined most other states in the Northeast by enacting a reasonable interest rate cap – one that the United States Military found was compelling to implement for personnel because they found the practice so objectionable and because it compromised service by military personnel.

Senator Sanborn talked about an interest rate cap, but I would note that as expressed in an APR, we're still over 100 percent interest being charged on these particular products. The application process for a title loan does not measure or consider for the purposes of approval the consumer's ability to repay the loan. And, the one asset – the one asset that a person needs to get to work – their car – is subject to repossession. I'm not so certain that that's something we should be encouraging. It is common for consumers to renew or rollover their loans, further indebting themselves. It was pointed out that the cap is at ten, which is fairly reasonable since the average consumer rolls it over eight times, so it's within that average, and that's according to the New Hampshire Community Loan Fund.

Senate Bill 57 as amended – we talked about this – ten rollovers. According to lenders themselves, about half of borrowers will be indebted for at least four months, interest accruing continually during that time. There's been no outcry by consumers for a return of these loans; in fact,

at the public hearing on SB 57, not one consumer appeared in favor of the bill. Meanwhile, the list of those appearing in opposition was fairly long and included representation from consumer advocates, law enforcement, and state regulators, including the New Hampshire Attorney General's Office, the New Hampshire Banking Department, New Hampshire Legal Assistance, and AARP.

Here's a sample of some of the testimony we heard, to paraphrase: Professor Peter Wright, who's the Director of the Consumer and Commercial Law Clinic at UNH Law School: "This is one of the worst forms of predatory lending out there." Local Welfare Administrators Association: "The property taxpayers of the state are actually subsidizing the profitable practices of these predatory lenders." But, perhaps the person who put it best was Representative Neal Kurk – no great antagonist of free market principles, I would add. "These loans are predatory and unfair. Attempts made at creating jobs should not come at the detriment of New Hampshire's most vulnerable citizens. The Legislature made a good decision when they said, 'What is good for the military is good for the rest of us.'"

It has additionally been suggested that were SB 57 to become law only one North Carolina-based title loan lender would be operating in the state, bringing into question the bill's ability to actually help generate jobs or economic development we should be looking for in New Hampshire. Thank you very much, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, Barnes, D'Allesandro, Merrill.

Yeas: 17- Nays: 6

Adopted, bill ordered to Third Reading.

SB 71-FN, relative to health care fees in workers' compensation. Re-refer to committee, Vote 5-0. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I would move to Re-refer Senate Bill 71-FN. This bill would clarify medical fees and reimbursement levels for healthcare services under the workers' compensation law. The prime sponsor agreed, and the unanimous Committee made a commitment to work together on this legislation to be acted on in January of the 2012 legislative session. We are looking forward to working with all interested parties to craft good, meaningful, final legislation in that timeframe indicated.

Please join the Commerce Committee and vote to Re-refer Senate Bill 57. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 74-FN, relative to the life settlements act. Re-refer to committee, Vote 5-0. Senator White for the committee.

SENATOR WHITE: Thank you again, Mister President. I move that Senate Bill 74-FN be Re-referred to the Committee. Senate Bill 74-FN would make various changes to the life settlements act. The prime sponsor requested this bill be Re-referred to allow all stakeholders an opportunity to come together around language that can be agreed upon. This is a very complex topic and it demands more attention. Please join the unanimous Commerce Committee and vote to Re-refer Senate Bill 74-FN. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 89, relative to employee leasing companies. Ought to Pass, Vote 3-2. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move that Senate Bill 89 Ought to Pass. This bill clarifies the procedures for employee benefits and other insurance for employee leasing companies. By contracting with an employee leasing company, a small business gets a professional business partner to administer their employees, leaving them more time to run their businesses. Among the services that a business receives from an employee leasing company are complete payroll processing and human resource support, administration of benefits, workers' compensation coverage, work programs for injured employees, and safety programs to ensure safe work sites.

Senate Bill 89 includes modifications to the current state statute that will help employee leasing companies continue to assist small businesses in New Hampshire.

Please join the Commerce Committee and vote Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass.

Sen. White offered a floor amendment.

Sen. White, Dist. 9

March 9, 2011

2011-0720s

09/01

Floor Amendment to SB 89

Amend the title of the bill by replacing it with the following:

AN ACT establishing a study committee on the procurement of health insurance by employee leasing companies.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the procurement of health insurance by employee leasing companies.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the procurement of health insurance by employee leasing companies licensed under RSA 277-B, includ-

ing whether policies sponsored by employee leasing companies should be exempt from the rating requirements and other standards for small employer coverage set forth in RSA 420-G.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

6 Effective Date. This act shall take effect upon its passage.

2011-0720s

AMENDED ANALYSIS

This bill reestablishes the committee to study the procurement of health insurance by employee leasing companies.

(The Chair recognized Sen. White.)

SENATOR WHITE: What this amendment does is it replaces the language of the bill with a study committee on the procurement of health insurance by employee leasing companies. We hope to do this because there was a long history of this bill, going back into the last session, where a study committee was supposed to be established to study this complex topic and apparently never got off the ground. Feeling it is still a complex topic and still in need of study, I would offer this amendment to do just that.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. White asserts Rule 2-15 on SB 89.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 89.

SB 148-FN, relative to health insurance coverage and directing the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. Ought to Pass with Amendment, Vote 4-1. Senator De Blois for the committee.

Commerce

February 22, 2011

2011-0456s

01/10

Amendment to SB 148-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

Amend the bill by replacing section 2 with the following:

2 **Lawsuit Challenging the Federal Patient Protection and Affordable Care Act.** The attorney general should, as soon as practicable, join the lawsuit (State of Florida et al. v. United States Department of Health and Human Services et al.) challenging the constitutionality of the Patient Protection and Affordable Care Act.

2011-0456s

AMENDED ANALYSIS

This bill provides that a resident of New Hampshire shall not be required to obtain, or be assessed a fee or fine for failure to obtain, health insurance coverage.

This bill also declares that the attorney general should join the lawsuit challenging the constitutionality of the Patient Protection and Affordable Care Act.

SENATOR DE BLOIS: Thank you, Mister President. I move that Senate Bill 148-FN Ought to Pass with Amendment. Senate Bill 148-FN provides that no resident of New Hampshire will be required to obtain or be assessed a fee or fine for failure to obtain health insurance. The amendment adopted by the Committee establishes legislative intent that the General Court declares that the Attorney General should join the lawsuit challenging the constitutionality of the Patient Protection and Affordable Care Act. Please join the Commerce Committee and vote Ought to Pass with Amendment on SB 148-FN.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I rise in opposition to Senate Bill 148, even as amended. I appreciate the amendment, the sponsor's willingness to have the bill so amended, and the Committee's decision to adopt the amended bill. I rise in opposition, however, because frankly not everyone in New Hampshire thinks the federal healthcare law is a bad idea. In fact, most people want to keep several provisions of the bill that preclude insurance companies from denying people with preexisting conditions and allows children to stay covered by their parents' insurance policies, that prohibit lifetime limits on benefits and reducing the donut hole. For all of these reasons, I don't think that the Senate or the people of New Hampshire speak with one voice that the AG even should join the lawsuit. Furthermore, I think that while we can see that federal law preempts state law, so the first part wouldn't stop those provisions of federal law that people objected to anyway. That being said, it can only lead to fruitless potential litigation, and as such, I rise in opposition to Senate Bill 148 as amended. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise to second the comments of Senator Houde. The bill still has two problems: one is that it approaches dangerously close – for the Legislature telling the Executive Branch and the important independence of the Attorney General – it approaches us having the Legislature cross into the Executive Office and the important independence of the Attorney General – telling that Attorney General what cases they have to take up or what case he should take up and what case he should not. The biggest problem, as Senator Houde pointed out, is that I think if you were to poll the public, most people would say it's good that we are covering children up to age 26 and allowing them – adult children – allowing them to remain on a family health plan. It's also good that our seniors now do not face a donut hole when they experience prescription costs that exceed the \$2,500 that was the previous point at which they had to start paying their own money. It's good that these insurance companies can no longer preclude people because of preexisting conditions from getting coverage, and it's good that

those lifetime limits that used to exist are now prohibited. Those are important healthcare benefits that I think everyone in this state – not everyone, perhaps – but the vast majority would say: “We need important healthcare reform, and this is a step towards that.” So, while you have improved it through the committee amendment, I think we are approaching a point when we all need to sit back and say: “How can we best offer affordable healthcare to the people of this state, and what’s the best process for doing that?” And, the kind of dialogue that’s been going on...I think we need to all sit down and work rationally towards a point when we get more access to healthcare to the, I believe, over 47 million Americans that currently have none. So, I rise to oppose Senate Bill 148, even in its amended state.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I don’t know how many of my colleagues in this chamber have read the original bill that passed Congress. It seems to me that most of the folks that voted for that didn’t read it either. I think there are some good parts to that bill, but the part that bothers me and most of the people that have talked to me, both Democrats and Republicans – because I do listen to both parties, and I got an earful at the polls yesterday when I was there on this very matter – people don’t like being told they have to have insurance. Why should we be told that we have to have it? I think that is a step too darned far. And, where there are good things in that piece of legislation, that is un-American and un-New Hampshire, and un-Jack Barnes, and I certainly am going to support this piece of legislation to the fullest extent of my voice and my ability because I do not believe that the federal government can tell me that I have to have insurance. They tell me enough things I have to do: I have to pay an income tax; I have to do this; I have to do that. Pretty soon, if we go along with this sort of thing, they’re going to tell us when we can go to bed – and, I was going to say something else, but we’ve got young folks in the room, so I won’t say it, because they’d read my lips. Thank you, Mister President.

(The Chair recognized Sen. D’Allesandro.)

SENATOR D’ALLESANDRO: Thank you, Mister President. You know, as I’ve said on numerous occasions, we are a discussion and debate society, and this is an example of it. And, I concur with some of the things that Senator Barnes has said; it makes a lot of sense. Nobody wants to be mandated to do everything. That’s not the American way; it’s not the way it should be. But, there are portions of this law that are very, very important to us. As a matter of fact, there’s a portion of this bill – the under 26 – that we had discussion and debate in this Senate about, and actually passed the law so that a young woman who was thrown off of an insurance policy was able to stay on an insurance policy. Unfortunately that young woman passed away; she lost her life to cancer. But, because of the discussion and debate that took place in this forum, we did something positive; we said: “Boy, this is something that needs to be taken care of”, and as a result of that, under 26 youngsters will now be on their parents’ insurance policy. That’s a good thing; that’s a very good thing. The most expensive portion of our lives is healthcare, and it’s healthcare as we age. And, if you have a child who’s infirmed, needs healthcare from birth until that child grows into adulthood or maybe succumbs because of the tremendous disease that that individual may have.

I applaud Senator Bradley for the amendment. I think it’s a move in the right direction; it’s certainly a move that indicates that we do compro-

mise. But, I can't support the bill, because I think there are portions of the healthcare debate that will go on. Remember, we've been debating healthcare in this country for 50 years; this is not a new debate. We have been debating this subject for 50 years. In 50 years we've made some strides – some strides: the ability not to deny a person coverage because of a previous condition: That's a very significant movement; the ability to have a child on an policy until that child is 26: That's significant movement. There are some things that we could all support; there are other things that we can't support. But, in the course of moving forward, those discussions will take place: They'll take place at our level and they'll take place at the national level. And, we should continue the debate, because I think that's what good government is all about, and that's why I can't support the bill, but I can support the basic premise. And, we're going to look at a budget, and my dear friend and honorable colleague, Senator Morse, is going to look for a little portion of the budget called "uncompensated care", and how much do we spend on an annual basis on uncompensated care. Do you know why? Because people have no insurance. And, guess what? Who pays? Every person in this room is going to pay. And, we're going to pay. And, why are we going to pay? Because we think it's the right thing to do; because we think we have a moral responsibility. And, think about those things as we move through this process. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. You know, if we were just debating the insurance reforms in the new federal law, I think we'd be having a very different debate. And, quite frankly, if the federal law had focused on preexisting conditions, on children up to age 26, on lifetime limits, we might have had a bill that had a lot less controversy. But, the lawsuit is not about the insurance reforms, it's about the individual mandate; it's about whether the federal government has the ability to force each and every one of us, as Americans, to purchase a product that we may not want. It's unprecedented in our nation's history, which is why courts already have struck down the individual mandate – not every court, but two court decisions have struck that down. Now, when we talk about the aspects of the bill, there's the individual mandate, there's the insurance reforms; there's a lot of other things that are in the bill that give people in New Hampshire a lot of pause: large tax hikes, unfunded mandates to states – Just in the case of New Hampshire the estimated mandates over a ten-year period for an expansion of Medicaid could be as much as \$1.2 billion, and we've just found out in the last few days that provisions were slipped into the bill that nobody really knew about that will prefund it to the tune of well over \$100 billion. And, Americans on all sides of the political spectrum are increasingly worried about the trillion dollar deficit that our nation faces and trillion dollar deficits as far as the eye can see. So, while some of the insurance reforms might have had broad popular support, other provisions in the bill don't, and the most important provision is one that strikes at the very heart of our ability to make free and conscious decisions as to what consumer products we are going to purchase. That's what the lawsuit is about. We step back from ordering the Attorney General to join the lawsuit – there is a constitutional argument; we don't know which way it would be decided if it went to the Supreme Court. But, at least with this bill we're on record as a Legislature in wanting to join the lawsuit, and perhaps more importantly establishing under New Hampshire law that there would be

no individual mandate and no penalties for not purchasing health insurance. This is a valid expression of our will as a Legislature today, and I commend this bill to all of you for support.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: In support of this bill. This bill was of concern because of the constitutionality of what's known as the "Obama Care" bill. And, we put this forth questioning the constitutionality of a mandate for our personal rights, which adversely affects the Tenth Amendment of the New Hampshire Constitution. The Obama Care bill needs more debate; it's flawed, and many people know it's flawed. It's one step before a single payer, which is socialized medicine. And, I don't think the constituents in my District are interested in having the government run the complete healthcare system.

This bill originally followed the bill that was presented by the House in ordering the Attorney General to join the other states in this lawsuit. This bill was amended to show that we respect the AG's Office and we are not giving a mandate or an ultimatum to the AG's Office, but we are urging him to let him know what we would like him to consider doing. And, in light of that, I wish to ask my colleagues to support this bill.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I would only point out what was an interesting point made in the hearing, which is that...And, it was argued that in fact there is a constitutional reason and it is constitutional to require this. But, there's also an economic reason, and that is, in fact, that in New Hampshire, a person who buys private health insurance is now paying more than \$1,000 a year in premium costs to cover the shift in healthcare costs of those who are uninsured. So, we're paying – those of us who are insured – are paying for the costs of the uninsured in one way or another, and the economic effect of that is in fact more and more people are dropping health insurance because it is so costly. To spread the cost makes sense, and that's what the intent was through that bill. I just wanted to point that out. Thank you, Mister President.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: I need to rise to respond to that. I understand the desire to make sure that the cost is spread. But, what I have seen...I spoke to two non-profits in the last few months; their insurance rates, because of the provisions of the national healthcare bill, have gone up 38 percent. I spoke to a small business owner just a few weeks ago with 30-something employees; his rates are going up 27 percent because of this. It seems to me that if the argument that we make sure that the uninsured are covered was the main cause here that the rates should go down. I spoke to an individual just last week who carried a personal policy – a major medical policy – and has an HSA to cover his expenses underneath that policy; his rates have gone up 35 percent because of the provisions of the national healthcare bill, and he is probably going to be forced to drop that and become uninsured. So, I think there's an adverse effect to this. This bill moves the consumers away from consumer-driven healthcare and more toward government-defined healthcare, and for those reasons...I think when a bill has as many flaws as this one does, it's good for the whole bill to go and that we start over and we make the necessary changes for provisions that are a good idea. Thank you.

PRESIDENT BRAGDON: I would remind the Senate that we are debating a bill regarding individual mandates of a federal piece of legislation not the federal piece of legislation itself.

Sen. Bradley moved the question. Without objection President Bragdon closed debate.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 17- Nays: 6

Adopted, bill ordered to Third Reading.

SB 150-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. Re-refer to committee, Vote 5-0. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I move to Re-refer Senate Bill 150-FN. This bill would authorize individuals and certain businesses to purchase health insurance from out-of-state insurance companies.

The prime sponsor of SB 150 testified that this issue is being worked on at the federal level, and without changes from Washington it would be difficult for states to move forward on this issue.

Please join the unanimous vote from the Commerce Committee and vote to Re-refer Senate Bill 150-FN. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 163-FN, relative to the New Hampshire health benefit exchange. Re-refer to committee, Vote 5-0. Senator White for the committee.

SENATOR WHITE: Thank you again, Mister President. I move to Re-refer Senate Bill 163-FN. Senate Bill 163 would establish a New Hampshire health benefit exchange to assist in the purchase and sale of qualified health plans and to meet the requirements of the Patient Protection and Affordable Care Act. While I believe, as we just debated, that we should be working through the courts to stop the implementation of the Affordable Care Act, we should also plan for the possibility of an exchange being mandated by the federal government. Senate Bill 163 would make sure that any exchange created in New Hampshire safeguards our local control. The federal government continues to work out the details of the Patient Protection and Affordable Care Act, which makes it very difficult as a state to move forward at this time. It seems like a major change, a rule revision, a court decision, or some other opportunity for state-specific waivers comes up on a weekly basis, so the Committee unanimously recommends Re-referring Senate Bill 163-FN to allow us more time to see what approach the federal government takes.

Please join the Commerce Committee and vote to Re-refer Senate Bill 163-FN. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. White asserts Rule 2-15 on SB 163-FN.

EDUCATION

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. Ought to Pass, Vote 4-0. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move Senate Bill 82-FN Ought to Pass. This legislation makes two important changes to the current charter school law. First, it extends the State Board of Education's authority to approve chartered public schools by repealing the ten-year pilot program and giving the Board permanent authority to approve public charter schools. This change will increase public school options for parents and their children while also making our state more competitive when applying for future federal grants and education funding.

Second, the bill also requires the State to pay the State's portion of adequacy aid – currently \$3,450 – directly to the locally authorized charter school for those students that attend a locally authorized charter school that is located outside the student's resident district. This change does not include the additional \$2,000 per student in disparity aid that the State Board authorized charter schools receive.

This bill will provide that the adequacy aid follows the student from their local school district to the locally authorized charter school outside the district. Currently, there are no locally authorized charter schools operating, and this change would encourage them to open by eliminating the fear that out-of-district students would come into the charter school without bringing their per-pupil adequacy aid with them.

Therefore, the Education Committee recommends that Senate Bill 82-FN Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 172, relative to performance-based school accountability criteria. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Senate Education
February 25, 2011
2011-0529s
04/05

Amendment to SB 172

Amend RSA 193-E:3-cc, V-VI as inserted by section 1 of the bill by replacing them with the following:

V. The commissioner of the department of education shall evaluate each school based on each of the criteria established in this section and shall assign a score to each school using a numerical scale for each of the required criteria ranging from one (the lowest possible score) to 4 (the highest possible score). The commissioner shall develop a list of all elementary and middle schools and a list of all high schools including each school's score.

VI. Locally defined criteria and data may be used by schools to demonstrate that the school provides the opportunity for an adequate educa-

tion using multiple measures of performance that are locally selected and assessed. Criteria, specifications, and guidance for locally defined indicators, goals, and measures shall be prepared by the commissioner's task force. School submissions shall be reviewed by a team made up of educators from the department of education and the field. The commissioner's task force shall continue to review the criteria that would be appropriate for kindergarten, kindergarten and grade 1, and kindergarten through grade 2 schools in order to make a recommendation at a later date about how to appropriately measure that such schools are providing the opportunity for an adequate education.

VII. The task force established in RSA 193-E:3-c may suggest new criteria or propose changes to the performance-based evaluation system to the legislative oversight committee established in RSA 193-C:7.

SENATOR KELLY: Thank you, Mister President. I move Senate Bill 172 Ought to Pass as Amended. This legislation is the culmination of the Performance Accountability Task Force Committee's work of identifying performance criteria and measurements and developing a performance-based scoring system. This bill was a request of the Department of Education in accordance with RSA 193-E:3-c, IV passed in June of 2009 to establish an accountability system to ensure schools are providing the opportunity for an adequate education by an input-based system and a performance-based system. The criteria in this legislation includes performance and growth in student academic achievement, participation in assessments, graduation rates, dropout rates, and attendance rates using data that is already submitted by New Hampshire schools to the Department of Education.

SB 172 was amended by deleting V, in regards to ranking schools from highest to lowest. The Committee heard testimony that it was never the intent of this legislation or the task force to rank schools. As well, SB 172 was amended by adding a new paragraph, which states that the Department of Education will accept multiple data currently used by local districts to measure growth in schools and add language that addresses kindergarten, K1 and 2 schools, which are schools that currently do not submit assessment data to the DOE.

The Education Committee recommends that Senate Bill 172 Ought to Pass as Amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 178, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning. Inexpedient to Legislate, Vote 3-1. Senator Stiles for the committee.

Sen. Stiles moved to Table SB 178.

Recess. Out of recess.

The question is on the motion to Table.

A roll call was requested by Sen. Kelly, seconded by Sen. Larsen.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 18- Nays: 5

Adopted.

ENERGY AND NATURAL RESOURCES

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax. Ought to Pass, Vote 5-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 35 Ought to Pass. Senate Bill 35 adds certain exemptions to the definition of utility property use for the assessment of the utility property tax under RSA 83-F. This bill is solely an attempt to amend the existing statute on utility property tax and make it consistent with the practice that is occurring now at the Department of Revenue Administration. The current practice is that the Department does not tax under the utility property tax the properties identified in this bill. Therefore, while it is technically an exemption, it will not result in any lower revenue to the State or impact any property taxpayer.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on Senate Bill 35. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

Energy and Natural Resources

February 24, 2011

2011-0517s

06/03

Amendment to SB 46

Amend the bill by replacing section 1 with the following:

1 Membership of the Commission. Amend 2008, 348:3, I and II, as amended by 2009, 248:2, and 248:3 to read as follows:

I. The members of the commission shall be as follows:

(a) [~~Two members~~] **One member** of the senate, appointed by the president of the senate.

(b) [~~Two members~~] **One member** of the house of representatives, appointed by the speaker of the house of representatives.

(c) The director of the office of energy and planning, or designee.

(d) The commissioner of the department of resources and economic development, or designee.

(e) A commissioner of the public utilities commission, or designee.

(f) [~~The governor, or designee.~~]

(g) Three representatives of the north country, appointed by the governor **and council**.

[(h)] (g) The chairperson or designee of the energy efficiency and sustainable energy board established pursuant to RSA 125-O:5-a.

II. The commission [~~shall~~] **may** include as nonvoting participants the following:

(a) Representatives of proposed New Hampshire renewable generation projects which either have active applications in the ISO-NE Generator Interconnection Study Queue or are subject to New Hampshire juris-

dictional interconnection administration, one member appointed by *each* U.S. Senator [~~Judd Gregg, one member appointed by U.S. Senator John Sununu~~] *representing New Hampshire, and* one member appointed by *each* U.S. Congressman [~~Paul Hodes, and one member appointed by U.S. Congresswoman Carol Shea Porter~~] *representing New Hampshire.*

(b) A representative of the unregulated energy supply industry, appointed by that industry.

(c) [~~A representative of the (FERC) Federal Energy Regulatory Commission or an individual with expertise in the area of federal electricity transmission regulation, appointed by that commission.~~

(d)] A representative of Public Service of New Hampshire, appointed by that organization.

[(e)] (d) A representative of National Grid Group, appointed by that organization.

[(f)] (e) A representative from New England Power Generators Association, appointed by the association.

[(g)] (f) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 Amend RSA 2008, 348:5 to read as follows:

348:5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this act. [~~Six~~] *Five* members of the commission shall constitute a quorum. The commission shall meet monthly to receive updates from the public utilities commission on the progress that is being made and to provide input to the public utilities commission with regard to achieving the necessary transmission capacity expansion in a timely fashion.

SENATOR GALLUS: Thank you, Mister President. I move Senate Bill 46 Ought to Pass with Amendment. Senate Bill 46 seeks to extend and revise the commission to develop a plan for expansion of the transmission capacity in the North Country. This bill simply seeks to extend the term of the commission and to reduce the number of participants, namely the legislative members. This would eliminate two voting members and give an expanded role to the three representatives of the North Country.

The amendment was introduced to clarify drafting complications and does not change the substance of the bill. The amendment just clarifies outdated references and nonvoting participants and eliminates the involvement of a representative of the Federal Energy Regulatory Commission, which has never designated a person to attend. Furthermore, a number of the voting members would be reduced in the bill; the quorum requirement has been reduced in the amendment.

I respectfully request the Senate support the Energy and Natural Resources Committee's recommendation on Senate Bill 46, and I thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 47, extending the commission to study water infrastructure sustainability funding. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

SENATOR GALLUS: Thank you again, Mister President. I move Senate Bill 47 Ought to Pass. Senate Bill 47 is a bill to extend the commission to study water infrastructure sustainability funding. In the commission's 2010 report, it was recommended an extension of a year to complete research and identify and prioritize specific actions that should be taken. The language of SB 47 gives a reasonable amount of time for the commission to proceed, conclude its work, and complete the final report. The commission has made progress since its establishment to upgrade the funding model, but work is still needed to make it sustainable.

Please join the Energy and Natural Resources Committee on their recommendation of Ought to Pass on Senate Bill 47, and I thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise in support of SB 47, in particular because I think that this issue related not only to the North Country but all the way down to my District in District 10 in the southwest corner, and as you know, I brought forth a bill very similar – SB 184. And, I want to thank Senator Gallus for working with me on this bill – in a bipartisan manner – that affects all the citizens of this state. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 87, relative to the closure of certain underground storage tank systems. Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 87 Inexpedient to Legislate. This bill would have allowed a waiver for underground storage tanks from replacement as long as they could prove that they had structural integrity.

The Committee unanimously voted this bill Inexpedient for several reasons: It's been proven that most tanks fail at the end of their useful life. And also, the constituent that brought this forward recognized with the help of DES that there were other alternatives. So, this bill was not necessary. And so, for those reasons, I respectfully request the Senate support the Energy and Natural Resources Committee recommendation of Inexpedient to Legislate.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 184, extending the commission to study water infrastructure sustainability funding. Inexpedient to Legislate, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 184 Inexpedient to Legislate. The intent of SB 184 is to extend the commission to study water infrastructure sustainability funding. The ENR Committee recognizes the importance of extending this commission, but felt that SB 47 was the best approach for the extension. The minute difference between the bills deals with the amount of time for the final report. The Committee unanimously agreed that the extra time that SB 47 allowed for the final report would be beneficial. So, I respectfully request that the Senate support the Energy and Natural Resources Committee's recommendation of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. Ought to Pass with Amendment, Vote 3-0. Senator Groen for the committee.

Senate Executive Departments and Administration

February 24, 2011

2011-0499s

10/05

Amendment to SB 76-FN

Amend the bill by replacing section 3 with the following:

3 Repeal. The following are repealed:

I. RSA 21-J:13-a, relative to the exemption of department of revenue administration forms from rulemaking.

II. RSA 21-J:33, III, relative to the additional penalty for failure to make payments by electronic fund transfer.

III. RSA 541-A:21, V, relative to the exception for the department of revenue administration under RSA 21-J:13-a.

SENATOR GROEN: Thank you, Mister President. I move Senate Bill 76-FN Ought to Pass with Amendment. SB 76-FN requires the Department of Revenue Administration to have express legislative authorization for increasing fees, establishing fines or penalty schedules, or imposing penalties on taxpayers. SB 76-FN repeals the 1996 and 2010 blanket exceptions for the Department of Revenue Administration to operate outside the JLCAR process, and by passing this legislation will require the Department of Revenue Administration to stand before JLCAR to seek legislative approval for its actions. SB 76-FN also repeals legislation which was passed in 2010 which provided for a \$5,000 fine for not complying with new form requirements and the addition of burdensome financial tax filing requirements for New Hampshire taxpayers. Under SB 76-FN, the collection of state taxes are administered by the Department as exists but with the following changes: "Provided, however, that the authority to administer state tax law shall not permit the Department to increase any fee, establish any fine or penalty schedule, or impose any penalty on taxpayers of this state unless expressly authorized in law. No general grant of authority or rulemaking shall be considered as an express authorization. Any proposed administrative rule which would increase any fee, authorize the assessment of fines, or impose any penalty on taxpayers shall require legislative approval prior to adoption. The Commissioner may propose legislation as provided in RSA 21-J:3, IX for obtaining express authorization or legislative approval."

The ED&A Committee requests that SB 76-FN be adopted with the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 143-FN, requiring the commissioner of administrative services to develop a proposal for state employees to make monetary contributions to a health savings account or other tax-advantaged account. Re-refer to committee, Vote 5-0. Senator White for the committee.

SENATOR WHITE: I do move Senate Bill 143-FN be Re-referred to committee. The Committee members believe that before we can require the Commissioner of Administrative Services to develop a proposal for state employees to make monetary contributions to a health savings account or any tax-advantaged account for that matter, we need to find out exactly what is being considered and projected by other agencies and very particularly the State Employees Association themselves.

Several good points were brought up in the ED&A Committee hearing, and from those discussions, we as Committee members believe it is best to investigate and research what all of the stakeholders are presently considering before asking the Commissioner to move in another direction.

For these reasons, we recommend that SB 143-FN be Re-referred to committee and ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 145-FN, relative to state employees who volunteer as election workers. Inexpedient to Legislate, Vote 4-1. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move that Senate Bill 145-FN be Inexpedient to Legislate. SB 145-FN recommends that state employees who volunteer as election workers on the day of a biennial election receive paid time off without being required to use accrued leave time.

Because the Committee believes that volunteering of one's time is just that: volunteering, whether that is personal time off or work-related time off. We should not require any employer to pay their employees for voluntary time off.

The fiscal impact of this bill if it were to pass would be potential overtime costs paid to an employee or additional workload on another employee.

We stand firm in recommending that SB 145-FN be Inexpedient to Legislate and ask for your positive support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. Ought to Pass, Vote 4-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 157-FN Ought to Pass. Senate Bill 157-FN eliminates the rulemaking authority of the Commissioner of the Department of Agriculture, Markets, and Foods to set fees for licensing weighing devices. In addition, Senate Bill 157 allows registered service technicians to issue state seals. Senate Bill 157-FN also sets a fee schedule for licensing weighing devices.

Mister President, there was as great deal of dialogue on this bill in the ED&A Committee. The bill before you establishes in statute fees for licensing commercial weighing devices. It allows registered service technicians – and by registered, we mean that a technician holds a valid certificate of registration from the Department of Agriculture, Markets, and Food who, for hire, installs, services, repairs, reconditions, tests, seals, or calibrates a commercial weighing or measuring device. This bill also authorizes a registered service technician who installs, services, repairs, reconditions, tests, or calibrates a commercial weighing device or measur-

ing device to seal that device in a manner approved by the Commissioner. This seal also authorizes the device owner to use a licensed device unless rejected pursuant to RSA 438:14.

Senate Bill 157 repeals under RSA 438:8 section I, section H, (1) through (2) the authority of the Commissioner of the Department of Agriculture, Markets, and Food to set fees for the testing and licensing of weighing devices.

Mister President, let me note here that all of these changes which we are requesting here today were being conducted and were being worked in a procedural manner up until June of 2009 when the new fiscal budget was passed and signed into law. At this time, this procedure was taken out of the budget, and a replacement procedure was inserted into the budget, all without a formal public hearing.

Mister President, this bill passed out of Committee 4-1 in favor. The ED&A Committee believes that this change in law will benefit the people of our great state by furthering employment and will also be a positive financial savings, not only for the State of New Hampshire, but also for our consumers.

That being said, Mister President, the ED&A Committee is requesting your support in the affirmative passage of Senate Bill 157-FN. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to oppose Senate Bill 157 with its motion of Ought to Pass. I think the best and most telling letter we got on this is – in fact, this was directed to Senator Forsythe – from a constituent who is also an investigator with the New Hampshire Division of Weights and Measures. And, in that letter, she said: “Senate Bill 157 would, in essence, authorize businesses that use commercial scales, gas pumps, home heating oil or propane gas meters and other such devices to adjust and calibrate their own devices. The business service technician or subcontracted service company would be able to determine the amount of the product being delivered to their customer and then would be authorized to approve a State approval seal on those devices, indicating that they are accurate and correct. I believe that the place of the service technician,” – and, I agree with this – “the place of the service technician or service company is to service the device and not to engage in the process of approval. The scope of the inspection is more encompassing than merely making sure that the device is weighing or measuring accurately. There is a need to maintain uniformity in the enforcement level, and it’s nearly impossible when so many individuals are involved. The process of approving should remain a government function in order to maintain a fair marketplace. Just like consumers trust government to oversee unfair trade practices in other areas, it’s important for consumers to trust that a State seal means that they are getting the appropriate weight or measure.”

In this letter from this constituent, she also goes on to explain the story of a person who is authorized to...who was going into the business of purchasing gold – purchasing gold from community members, from our constituents. This person wanted to go in the business to offer gold practice and they were trying to buy a scale. That scale, if it has even the slightest difference in its...what they call a scale division, can mean the loss to our consumers, and with gold prices at \$1,400 per troy ounce, can mean \$45 in a very small single transaction – a difference from

\$45 loss to that consumer if it's off by one division. These are similar to a letter we received from the National Conference on Weights and Measures, in which this expert, who is the Executive Director of the National Conference on Weights and Measures points out that the transfer of inspection responsibilities to the private sector creates a serious conflict of interest. If you set the devices predominantly with businesses, without a regulatory presence, service persons are less likely to set devices as closely to zero as practicable, and they instead may be compelled, because they are hired by the company they are now measuring, they may be more compelled to set devices predominantly in the business owner's own favor. He goes on to point out that in 2008, 788 million gallons of motor fuel – that's fuel that you and I pump into our cars and trucks every day – 788 million gallons were pumped in 2008. If those meters are set to a mere one cubic inch error in the seller's favor, the loss goes undetected by consumers – you don't know when you're buying a gallon of gas – unless you can trust that seal, you don't know if it's correct. But, that one cubic inch error in the seller's favor amounts to 3.4 million gallons paid for and not being delivered to the person who thinks they are buying it in that one year. So, at risk for our consumers in our state is a massive amount of loss and a significant change, and my fear is a conflict of interest that we are now reintroducing. In the hearing and in the arguments made in our Committee, the point was made: "Well, these people come measure it and then the inspectors will come and check their measurements." But, the problem is that we set, we establish, we reestablish enough inspectors in our Department of Agriculture to oversee these weights and measures. Prior to this, there were not enough inspectors to get in there and check the work that these private technicians were doing. So, what they did was, they set fees that enabled enough inspectors to be out in the field that when you buy a pound of ham at the grocery store, you know you're getting a pound of ham. When you buy a gallon of gasoline at the gas station, you can trust that within a very small amount you're getting what you're buying. There's a reason why the Farm Bureau is very much in support of keeping these inspectors. When they put their products on the market, they need to know that they're getting paid the full measure for what they're providing in products to the marketplace. So, there's a really good consumer reason for keeping these inspectors there and having enough fees to keep them there. And, the fear is that through our budget cutting we're going to cut those inspectors and we will have private service technicians measuring for their own employers, and there will be a return to what the Commissioner of Agriculture pointed out: Of 28 scales tested in the 5,000 to 20,000 pound class, 60 percent failed. 60 percent failure rate! This group of inspectors only had one year to get out there; they reached over half of all the weights and measures in our state and they found 60 percent failure rate. Of 78 vehicle scales tested, 36 percent failed. These are weights and measures that mean that our consumers are getting what they're paying for. I say that we keep the system that we've established. There may be some adjustment made to allow technicians to get in and look at them, but a technician in a private industry should not be applying a State seal of approval; the State should be doing that. And, there's a really... Sometimes we don't think the State should be involved. We had at the hearing one of the most persuasive, highly conservative Republican inspectors come in and say: "I'm with you," – and I think my Committee members who were there remember this person – "I'm with you; I don't believe in government, but in this

case, government works, and we need to have inspectors there who will make sure that you're getting what you pay for." So, I would argue that we do not return to the days of old. We only gave this one year to work, and they found a lot of problems out there. And, we're all elected by more consumers than any other... We are not elected to represent just businesses; we're elected to represent the consumers, as well. And, I think the consumers of this state need to trust that a State seal means that you are getting a fair measure. Thank you.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Mister President, thank you very much for allowing me to speak and momentarily pause this wonderful debate that we're having, which is necessary. I'd like to introduce my guests and good friends from the elementary school of Loudon, New Hampshire. Thank you so very much for coming today.

(The Chair recognized Sen. Bradley for a question of Sen. Carson.)

SENATOR BRADLEY: Senator Carson, isn't it the case that when this changeover was made that the State basically was not able to get to do the inspections that were necessary and sent letters to people with weights and measures and scales, saying: "We may not be able to inspect you for up to 24 months."?

SENATOR CARSON: Yes, you are correct, Senator Bradley. And, I appreciate the question and the opportunity to perhaps answer some of the issues raised by Senator Larsen in her very eloquent testimony here this morning.

It's important to realize first of all that this was changed not because of problems, but it was revealed during the subsequent JLCAR hearings on proposed rules that this was done at the request of the Executive Branch. So, it is only through having a public hearing that we became aware that there were problems, or supposed problems, within this whole process. For 20 years this process had been in place. And, we also received from the Department a list of 33 supposed violations, which, quite frankly, was very inadequate; it didn't explain exactly what the problems were, when these problems occurred. And, the Commissioner, when asked, said: "Well, they didn't occur during the three years that I've been a Commissioner." So, again, we really don't know how long these problems have gone on.

Senator Larsen brought up the point of conflicts of interest, that knowing that who is putting on the State seal is appropriate. Well, we all register our cars, don't we? We don't bring our cars to a State garage to have a State automotive technician inspect our cars. The State licenses various automotive facilities across the state to do the inspections. They trust that the technician is doing the job that they're supposed to do, and we trust that when that seal of approval, ie: the registration sticker for the inspection, is being done correctly. Here, there really wasn't any evidence that they are doing a bad job.

We heard this morning from Senator Larsen that being off a fraction can hurt the consumer. But, it also hurts the business. And, what kind of recourse does the businessman have, or businesswoman have, if their scales are off? They have to eat that loss. It is in their best interest – their best financial interest – to make sure that their scales are accurate. And, it doesn't matter if it's the gentleman or gentlewoman who is delivering the oil to your house, whether it's the gas that's being pumped in your

car, or it's the apples or oranges or whatever you're buying at the grocery store that's weighed. It is within the business owner's best interest to make sure that those scales, those weights are accurate.

We heard testimony that during the first year, the process was a bit cumbersome, that the person would come out...they would have to have a service technician come out and balance their scales to make sure that they were accurate, and the State person would just stand there and lean over and put that seal of approval on. It's costing the businesses more money through increased fees, and we really shouldn't be doing that to businesses during a time where many of them are struggling. It's important to realize...Senator Larsen talked about the State hiring new employees. We hired four new inspectors. Hiring those four new inspectors came at the loss of over 100 private sector jobs. And, I think that that's important, and it's something that we need to be cognizant of. It's also important to realize that the Farm Bureau is exempt from paying fees. Our local farm stands, if they have weights and measures, they don't have to pay any fees. This really falls on the backs of our grocers, our gas station people, our oil people. There was no real reason to change this other than to perhaps charge more fees, and again, that is my opinion. I am hoping that I can persuade you to support the committee report here, restore the system; it wasn't broken. It's important to realize that the State registered these inspectors, and if the State had a problem with the quality of work that the people that they were registering, perhaps the Department needs to go back and look at the criteria that they were using for hiring these individuals and registering them. Thank you very much, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Carson.)

SENATOR LARSEN: Senator Carson, you and I were both in the Committee. Did you understand as I did that both the States of Vermont and Massachusetts...If we return to the days of our not having State inspectors and allow private companies, that we received notice from – and I have the letter in my hand – from Vermont that says...The question was would Vermont accept the test and approval of oil and LP gas measures by private service companies on trucks from New Hampshire that are delivering into Vermont, and this answer is no. So, what kind of added problems does that give to both our LP gas meters and our oil dealers when they try to deliver either in Vermont or New Hampshire and New Hampshire's seal will not be allowed, and they will have to be licensed and tested again in those states before their delivery is accepted? Does that not add an additional burden to the industry that you're trying to help?

SENATOR CARSON: Thank you very much for the question, Senator. I would just like to remind you that the old way was in place for 20 years, and to my knowledge, there were no complaints from the State of Vermont or the State of Massachusetts about the delivery of oil from New Hampshire certified trucks into those states. I would also like to remind you, this is New Hampshire, and we create our own laws, and if Vermont and Massachusetts are not happy, well then that's fine; that's their problem.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I serve on ED&A Committee. And, I must say that the testimony that we heard, both from the Commissioner and from the investigator, was very weak. The investigator...We asked him numerous questions, and I don't think he was

able to answer one question succinctly. For instance, he talked about violations, and we said: "Well, are you able to go out and see this in the field?" And, he said: "We don't have time to do that. We run from this place to that place." It became very clear that this agency... Their oversight is very weak. And, what I saw was that this system of previous was not broken, it's just that the agency is not doing their job. And, the Commissioner as well, I don't think gave a compelling case that we should go back... or that we should stick with what we have. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

Sen. White asserts Rule 2-15 on SB 157-FN.

SB 185-FN, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

PRESIDENT BRAGDON: Senator Carson, I assume you have Senator White's permission to make a motion to Re-refer.

SENATOR CARSON: Thank you, Mister President. I was going to make the comment that while Senator White today is the king of Re-refers, I'm going to be the queen of Re-refers.

Thank you, Mister President. I move that Senate Bill 185-FN be Re-referred to the Committee. The Committee voted this motion unanimously in favor 5-0. Senate Bill 185-FN would establish a restitution fund for the victims of financial fraud and would also continue to appropriate a special fund. This bill would also establish a process for restitution assistance for victims and sets up a restitution committee who would award the assistance from such fund to such victims.

The Secretary of State had commissioned a study report, which is known as the Chandler Report, which will not be available until sometime in March of this year, and which facts in this report will need to be reviewed prior to any decision being made on this legislation. Due to these facts, the decision was made that all bills relating to this particular report will be Re-referred.

There was also the outstanding question of the funding for this piece of legislation, and due to the State's economic resources and also to the fiscal impact that it would have on the Department of Justice, the Bureau of Securities Regulation, the Banking Department, and the Insurance Department, this legislation will need to be further researched for the financial impact to the State.

Mister President, for all these reasons, the ED&A Committee is requesting that this bill be Re-referred to the Committee and appreciates your affirmative support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 186-FN, repealing the exemption from the consumer protection act for certain regulated trade and commerce. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

SENATOR CARSON: Thank you very much, Mister President. I move Senate Bill 186-FN be Re-referred to committee. The ED&A Committee voted this motion unanimously in favor 5-0.

Senate Bill 186-FN repeals the exemption from the Consumer Protection Act for certain regulated trade and commerce. In 2002, HB 1429 was passed. This bill exempted from the Consumer Protection Act trade or commerce that was subject to the jurisdiction of the Banking Commissioner, the Director of Securities Regulation, the PUC, financial institutions, and insurance regulators of other states or federal banking or security regulators who possess the authority to regulate unfair or deceptive trade practices. House Bill 1429 removed the jurisdiction from the Attorney General's Consumer Protection Bureau, activities regulated by Banks, Securities, Insurance, and the PUC. As a result of House Bill 1429, our consumers were affected. Our consumers had no right under the Consumer Protection Act to take private legal action. The rights of these consumers to seek redress under the Consumer Protection Act had been eliminated. Senate Bill 186-FN seeks to protect our residents and will put the law back to where it was for the past 32 years prior to 2002.

The ED&A Committee realizes that Senate Bill 186-FN needs a closer look regarding regulation jurisdiction and consumer protection. And, again, because the Chandler Report is not available, the Committee has not had the chance to review this very important document, the ED&A Committee recommends that Senate Bill 186-FN is Re-referred to committee at this time. We appreciate your support, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. White asserts Rule 2-15 on SB 186-FN.

SB 188-FN, relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

SENATOR CARSON: Thank you very much, Mister President: My last Re-referral. I move Senate Bill 188-FN be Re-referred to the Committee. Senate Bill 188 clarifies the authority and roles of the Banking Department, the Attorney General, and the Bureau of Securities Regulation in State regulation of Securities. This bill deals with agency interaction and, as was mentioned in the previous bills – Senate Bill 185 and 186 – all are in relation to agency interactions. In order to make an appropriate decision on this bill, the Committee will need to review, again, the Chandler Report, which is due for completion this month. The ED&A Committee feels that we do not have all the information needed to make a comprehensive decision at this time. The lines are blurry and the focus is problematic. This bill needs further review, and for this reason, the ED&A Committee requests, Mister President, that Senate Bill 188 is Re-referred to committee. Thank you very much.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. All three of these rereferrals we're hearing about have to do, really, with the FRM case. And, during the course of our hearing, which lasted several hours, there was a man there who sat through the entire hearing process named Alan McIlvene. And, I just want to say on the Senate floor, as I said to Mr. McIlvene, that I apologize for what happened during FRM; I think it was a breakdown in state agencies and state oversight, and that oftentimes we think Re-referral means just bury a bill, but I made a personal

promise to him that we were going to focus like a laser beam on really all three of these bills, and rectify a situation that was really harmful to him. And, I just wanted to say that on the Senate floor.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I concur with what Senator White just said, his remarks, and Senator Carson. We have a situation here that needs to be looked at. All of the reports have not come forward, so it would be very difficult to make good value judgments based on information that's not available at present time. But, I think all of those people who came to the hearings, those good people who invested and who did that with a feeling that they were appropriately advised by certain state entities that they were doing things properly and that things were secure and it was a good faith situation deserve to be heard and deserve, really, to receive consideration.

So, by bringing these three bills together and by looking at them carefully based on the information that's available, people are going to get satisfaction that government does work, and I think that's the most important and the most significant aspect of all three pieces of legislation. This government is here to support you, and when things that have been perpetrated or done incorrectly must be corrected, there's a way to do it. And, this legislative forum presents that opportunity to our constituents. And, I think it's that kind of rapport that exists between us and our constituents that makes good government work, and this is an example of it. So, I applaud that. And, I thank you, Mister President, for your activities in bringing these together. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. White asserts Rule 2-15 on SB 188-FN

FINANCE

SB 24-FN-L, exempting the Unity school district from the moratorium on school building aid. Ought to Pass, Vote 6-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 24-FN-L Ought to Pass. This legislation exempts the Unity school district from the current moratorium on school building aid. This body has already voted once on this, and this is the vote on the financial implications. The bill is supported by the Department of Education. The Finance Committee recommends that Senate Bill 24-FN-L Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass.

Recess. Out of recess.

Sen. Bradley moved to Table SB 24-FN-L.

The question is on the motion to Table.

A roll call was requested by Sen. Kelly, seconded by Sen. Larsen.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 18 - Nays: 5

Adopted.

SB 33-FN, relative to retired state employee contributions for medical benefits costs. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 33-FN Ought to Pass. This bill was a request by the Department of Administrative Services to establish a procedure for the Department to invoice and collect from retired state employees under the age of 65 who are receiving health benefits and who do not receive a retirement allowance.

Senate Bill 33 will also allow the retirement system to deduct from the monthly retirement allowance of a retired state employee under the age of 65 premium contribution amounts. Further, this bill authorizes the Department of Administrative Services to act on failure to remit payment of contribution amounts.

Please support the Finance Committee's motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases. Ought to Pass, Vote 6-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move Senate Bill 34-FN Ought to Pass. This bill deals with orders of notice in cases involving guardianships of minors, and was filed at the request of the Supreme Court.

The bill clearly states that it is the court's responsibility to send out orders of notice, but that the petitioner will be charged for the cost, consistent with what is done in similar other court processes.

The legislation before you adds two Family Division-related matters. The first clarifies that all approvals for underage marriages will be handled by the Family Division. This is consistent with the philosophy of having one court for all family matters.

Furthermore, the bill involves scheduling of adjudicatory hearings in abuse and neglect petitions. Under existing law, all petitions must be heard within 30 days. The bill also clarifies that in cases where a child is placed outside the home and away from parents, a hearing would still be required within 30 days, but for children remaining in the home, hearings would have to be held within 60 days, which is consistent with the national standard in these cases. This ensures that children placed outside the home will continue to receive priority hearings, but that with the current court demands, those cases involving children who remain in their homes do not have to have priority over other family cases.

Please support the Finance Committee's motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 39, relative to enforcement of the excavation tax by the department of revenue administration. Inexpedient to Legislate, Vote 4-2. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 39 Inexpedient to Legislate. The Committee feels that the Department of Revenue does not have the ability at this time to assess the level of administrative fines for violations of the excavation tax. We believe that the court system has in place today is functioning well. Overall, there were good intentions put into this bill, but it is not the appropriate time for an adjustment of the management.

Please support the Finance Committee's motion of ITL.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 130-FN-A, repealing the tax on gambling winnings. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 130-FN Ought to Pass. This bill repeals the 10 percent tax on gambling winnings that was enacted as part of the budget in 2009.

The Committee believes that this tax is unfair, causing New Hampshire residents to buy their lottery tickets from out of state, and people from the State of Massachusetts who had come to New Hampshire to buy tickets were discouraged from coming because of the 10 percent tax. Each month, we continue to see decreases in lottery sales.

As a state that emphasizes tourism, this tax is hurting us, and the numbers clearly indicate that.

Please support the Finance Committee's motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. Ought to Pass, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 146 Ought to Pass. This legislation requires submission of a reduced spending alternative as part of the biennial budget process.

The intent of this legislation is to require state agencies to submit a reduced spending level alternative as part of the biennial budget process – which I just said. There is no question that the budget process is lengthy, convoluted, and oftentimes frustrating. At times, we can see upwards of five budgets before a compromise is reached, and this legislation would provide a more efficient process. By asking the Governor to submit his documents at 95 percent to ensure a more informative and accurate budget for state agencies to use in their calculations, not only will this legislation create a more open and transparent process, but it will also allow legislators to begin working on a budget come day one.

Therefore, the Finance Committee recommends that Senate Bill 146 Ought to Pass, and thank you for your support.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Stiles, Bragdon.

The following Senators voted No: Kelly.

Yeas: 22 - Nays: 1

Adopted, bill ordered to Third Reading.

SB 181-FN-L, relative to distribution of funds for education. Re-refer to committee, Vote 5-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move Senate Bill 181 be rereferred to committee. This legislation extends the provisions for determining the total state aid for education and excess tax payments for the fiscal year ending June 30, 2015.

The intent of this legislation was to be an extension of the collar. However, with the widespread bipartisan support of the education funding reform legislation written by Senator Rausch and Senator Stiles, the Finance Committee recommends that this bill be rereferred to committee and asks for your undivided support.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. Ought to Pass, Vote 5-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 183 Ought to Pass. Education funding in New Hampshire has been on a rollercoaster ride. A series of well-intended plans and compromises have all led to constant uncertainty regarding funding at both the state and local level.

The legislation before you creates a funding mechanism that is predictable, stable, sustainable, and affordable. This legislation will repeal the current provisions requiring that excess statewide education tax payments be remitted to the Department of Revenue Administration, and allow instead for municipalities to retain any excess education tax revenues.

The bill sets the amounts of differentiated aid at \$1,725 for each pupil for the free or reduced price meal program, eliminates donor towns and fiscal disparity aid – two of the most divisive elements of the school funding formula – while still maintaining all of the components and base funding of adequacy.

Overall, it gives our local communities what they require as it stops the battles between winning and losing communities. Most importantly, Senate Bill 183 ties our education dollars directly to children that it is meant to support. Please support the Finance Committee's motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise in opposition to SB 183. We have come so far here in the Legislature to implementing a

constitutional education funding formula that is based on the principle that the State has a responsibility to ensure that our students have an equal opportunity for an education that will prepare them for the future. We as legislators instituted a funding formula that provides funding for every student in New Hampshire and provides additional funding for those students with additional needs.

We realize and we understand that not all New Hampshire schools and communities are able to provide the same funding for their students. Fiscal capacity funding equalized these differences, providing an equal opportunity for all of our students. This legislation eliminates fiscal capacity and instead provides a state grant without any basis for calculating for that grant. My fear and my concern is that this state grant becomes an arbitrary funding amount with no basis or criteria for funding.

I also hear a lot of comments referring to winners and losers. However, I believe that educational funding based on ensuring equal opportunity is a win-win for all of us; students win – all students win – with a 21st century education for themselves. And we, we all win, because the result is a win for our economic growth for all of our communities if our students are educated and trained.

I believe that this legislation is a slippery slope that will take us backwards, and ask my colleagues to vote against this legislation. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise to offer a cautionary tale. I have been around here 15 years, and one of the reasons I came to the Senate was to work on education funding. When I came to the Senate, the State was spending in the vicinity of \$57 million on educational aid to the cities and towns. We had a Claremont decision; I brought in a bill to fund – prior to the Claremont decision, I brought in a bill to fund the education funding formula that, at that time, was part of the Augenblick Formula. Instead of our paying the full fare for Augenblick Formula, the Legislature continued to say that education was a local responsibility and that the State had no role to play. So, my bill to fund the Augenblick Formula that had been agreed to through a court action with the State and the courts cost \$60 million, but it was rejected. We have been through many years of education funding debate, and we have moved this state dramatically in terms of relieving some of the property tax burden caused on our localities because we have picked up the mantle of what I believe is the State's responsibility to educate our kids, to even that educational opportunity across communities, so that a child who is born in Pittsfield has the same chance as a child who's born in Amherst. So, a child who has the ability to move into another community is not dependent just on that community to educate them; our children don't stay in their communities like they used to when we were farm communities. Our children move within our state and they move out of our state, and it's to our state's best interest to educate and to equalize educational opportunity.

What we did in previous years was, in fact, pass a constitutionally approved education funding formula that would have increased the educational opportunities to children all across the state. It was found constitutional, and it makes sense. I understand we are in a time of economic difficulty now, and I applaud Senators Stiles and Rausch for working through another way to get to that. I am not certain that eliminating the fiscal disparity aid makes sense, because it then turns us to a world where we have to have a constitutional amendment in order to target

aid to those most needy communities. But, I understand the world we are in. I only caution you that we should not and must not allow this state to return to a point where the only way we pay for education is we look in our pockets and say, "Well, I've got \$10 here – which I just happen to have – and I can pay for education with that. And, that's what I'm going to spend on education this year and I'm going to make that formula match what I'm willing to spend." Because, we know that there are times when education is the most important thing we can offer in terms of the economic health of our state, and the opportunity for young people in our state to better their lives.

So, I say we need to continue to watch these funding formulas and to monitor ourselves that we are not just educating based on how many dollars we have in our pockets. Thank you.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: I forgot to thank Senators Stiles and Rausch, and I'd like to do so, as Senator Larsen did. And, I'd also like to make it clear that in this legislation, as the Governor requested, we funded education at \$578 million, and I'd like to remind all the Senators that the Governor put that in his plan in the budget that is in the House right now. So, as we debate, I would hope we support this so that when that legislation changes, possibly, in the budget now, we will put it back in the budget when it gets over here, and we will fight for the Senate's budget on education, which is to keep towns whole at \$578 million. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HEALTH AND HUMAN SERVICES

SB 164, relative to the personal needs allowance of residents of nursing homes. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 164 as Ought to Pass. Senate Bill 164 sets the current personal needs allowance for nursing home residents on Medicaid as the minimum amount permitted by law.

The Commissioner of Health and Human Services set the base rate of the personal needs allowance as \$56 a month in 2005, and was given authority to increase this base rate every five years to account for cost of living increases.

Based upon a set of guidelines, the Commissioner raised the personal needs allowance by \$9 a month in July of 2010. This legislation does not raise the personal needs allowance; it simply sets into statute existing policy.

The personal needs allowance for nursing home residents on Medicaid is currently set at \$65 per month, and SB 164 ensures that this amount is the baseline, and that the law clarifies that the personal needs allowance shall never go below that amount.

The personal needs allowance is the amount of money a nursing home resident retains of his or her personal income before their living facility acquires the rest of their pay for the cost of care. The personal needs allowance is the only resource for these seniors. It allows them to afford basic living needs, such as haircuts, clothing, local telephone service. The current personal needs allowance barely leaves room for purchas-

ing as much as a birthday card for a grandchild. \$65 a month, \$2.16 a day: this is the rate that the Commission of Health and Human Services has deduced as the lowest reasonable personal needs allowance for our nursing home residents on Medicaid.

In order to show our respect for the dignity of New Hampshire residents, the Health and Human Services Committee recommends that the Senate Bill 164 Ought to Pass, and we ask for your support. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. There are 4,600 nursing home residents who are low-income and that qualify for the State's Medicaid allotted nursing home residency and personal needs allowance. These are folks who amazingly are able to make it on \$55 a month. It's surprising to find that they have to pay privately for their hair to be washed, and many people of course can't wash their own hair, and the haircuts certainly need to be done. And so, these allowances are relied upon by those who, then, as we heard, perhaps if there's anything left, they want to be able to buy a birthday card for their grandchild. It was wonderful that the Committee saw this need and recognized the importance of providing to those who are receiving this personal allowance and assurance that it will not fall back to the level that the statute says of \$56, but will in fact remain – this will be some protection and assurances to the elderly people in our nursing homes that this personal allowance will not fall back. So, I thank the favorable reception of the Committee, and I hope that the Senate receives this bill favorably as well. For those who might be listening, I hope they understand that we may table this bill later in order for us to find time to meet with our House colleagues and make sure that this bill is handled as compassionately in the House as it has been in the Senate. So, if we table it, it would allow us time to make sure that it is received and welcomed, and I hope that in the Senate, sending a message through this subsequent roll call, that we support this, that it will send a message to the House that this is an important allowance that provides as very basic minimum needs of folks who are in our nursing homes. Thank you for this time, and I ask for your favorable support for this bill.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 23- Nays: 0

Adopted.

Sen. Larsen moved to Table SB 164.

The question is on the motion to Table. Adopted.

JUDICIARY

SB 30, relative to including a parent's residence in the parenting plan. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary
February 18, 2011
2011-0409s
05/04

Amendment to SB 30

Amend RSA 461-A:4, III as inserted by section 1 of the bill by replacing it with the following:

III. If the parents have joint decision-making responsibility under RSA 461-A:5, the parenting plan shall include the legal residence of each parent unless the court finds that there is a history of domestic abuse or stalking or that including such information would not be in the best interest of the child. If the parenting plan includes a parent's residence, the parent shall be responsible for promptly notifying the court and the other parent of any change in residence. The failure to provide such information may result in a finding of contempt of court.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 30. This legislation requires that the parenting plan include the legal residence of each parent unless the court finds that such disclosure would not be in the best interest of the child or there is a presence of abuse within the family. This information is already required to be included in all documents filed in the Family Division, but in some instances, individuals are not providing updated addresses to the court. The amendment clarifies that the information will be provided in a prompt manner, and that the court may issue a finding of contempt for failure to comply.

The Judiciary Committee recommends that Senate Bill 30 be adopted with amendment and asks for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 108, relative to emergency obstetrical care. Ought to Pass with Amendment, Vote 3-1. Senator Houde for the committee.

Senate Judiciary
February 18, 2011
2011-0417s
05/04

Amendment to SB 108

Amend the bill by replacing section 1 with the following:

1 New Section; Emergency Obstetrical Care; Immunity From Civil Liability. Amend RSA 508 by inserting after section 17-a the following new section:

508:17-b Emergency Obstetrical Care; Immunity From Civil Liability. A physician, advanced practice registered nurse, midwife, or physician assistant credentialed to provide obstetrical care who renders emergency obstetrical care in a licensed health care facility to a female where the female has not previously been cared for in connection with the pregnancy by such physician, midwife, physician assistant, or advanced practice registered nurse shall not be liable for any damages or injuries caused by conduct prior to the rendering of the emergency obstetrical care.

2011-0417s

AMENDED ANALYSIS

This bill grants immunity to physicians, advanced practice registered nurses, midwives, or physician assistants who render emergency care to pregnant women under certain circumstances.

SENATOR HOUDE: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 108. This legislation intended to address the difficulty some hospitals, especially those in the North Country, are having in finding providers willing to give emergency obstetrical care. The bill would grant immunity from liability for a physician or healthcare provider credentialed to provide obstetrical care in a licensed medical facility for acts taken or care given prior to the emergency care.

The most important and overriding concern is the safety of the baby and mother in these instances, and providers shouldn't hesitate to provide care based on concerns of liability accruing to them for the care provided previously by others not affiliated with the facility. But, I want to be very clear that if any healthcare provider acts negligently in the care they do provide, he or she would still be liable for their actions, just not for the treatment given by some other provider prior to that emergency situation or their involvement.

The committee amendment removes one sentence from the bill as introduced, that some felt was either confusing or didn't clarify when immunity from liability was actually available.

The Judiciary Committee recommends that Senate Bill 108 be adopted with amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 139-FN, relative to state recoveries of public assistance caused by fraud. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass on Senate Bill 139-FN. This legislation will enable the Department of Justice to conserve investigative resources in cases brought under the false claims statute. Because of previously enacted legislation, New Hampshire gets named in an average of 70 cases per year. Whether we have the whistleblower statute on the books or not, New Hampshire will still be entitled to be paid between 15 and 18% of the recovery in the settlements. Enacting this legislation merely enables us to not have to carry these cases on our books.

The Judiciary Committee recommends that Senate Bill 139-FN be adopted and asks for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

March 7, 2011

2011-0680s

05/04

Floor Amendment to SB 139-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR D'ALLESANDRO: Thank you, Mister President. The only thing the amendment does is addresses the date of passage, and the bill should take effect upon passage.

In putting the legislation together, the perception was that you would default to the effective upon passage under current rules; it didn't do that. So, effective upon passage is what we would like, and this will allow us to be more operative in terms of creating savings for the State in a more efficient and effective manner. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 94, relative to state certification of community residences in municipalities with zoning ordinances which accommodate certified community residences. Re-refer to committee, Vote 5-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 94 rereferred to committee. This bill establishes that when a municipality has zoning ordinances which accommodate certified community residences in certain areas within the municipality, the State shall not certify a community residence for location in an area of a municipality which is not zoned for such residence without the approval of the municipal planning board.

There are three different and distinct courses of action, or legal theories, involved in this bill. First and foremost are two New Hampshire State Supreme Court cases on municipal zoning power. Applicable aspects of the workforce housing law also are in play in this bill, not to mention possible violations of the federal Fair Housing Act.

Due to the extensive testimony and documentation received during the hearing and the many lingering questions surrounding this bill, the Public and Municipal Affairs Committee recommends Senate Bill 94 be rereferred to the committee and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 104, relative to certain agricultural operations. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Public and Municipal Affairs

February 23, 2011

2011-0461s

08/04

Amendment to SB 104

Amend the title of the bill by replacing it with the following:

AN ACT relative to certain agricultural operations and certain bonds for excavation and driveways.

Amend the bill by replacing section 1 with the following:

1 Bond; Application to Vehicles Carrying Commodities. Amend RSA 236:10 to read as follows:

236:10 Regulations; Bond. The person or entity giving such written permission may make rules and regulations to govern the excavation and restoration of such highway and may require that a bond satisfac-

tory to such person or entity be furnished to the state, city, or town providing for the satisfactory restoration of the highway. ***The bond requirements shall be equitably and reasonably applied to other bonded vehicles using the highway. The type of commodity being transported shall not be the determining factor for requiring a bond or the dollar amount of the bond.*** The person or entity providing the bond shall determine the type of bond furnished and it may be in the form of cash, letter of credit from a bank or lending institution licensed in New Hampshire and acceptable to the person giving written permission, or a bond furnished by an insurance company. The person or entity granting permission shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the contractor doing the excavation or restoration.

2011-0461s

AMENDED ANALYSIS

This bill:

I. Requires bonds for restoration of municipal highways after excavations be equitably and reasonably applied to all bonded vehicles using the municipal highway and prohibits the type of commodity carried by a vehicle from being the determining factor in either the requirement of such bond or fixing the dollar amount of such bond.

II. Allows zoning ordinances to be designed to protect agricultural operations.

III. Prohibits planning boards from regulating timber harvesting operations that are not part of a subdivision application or a development project subject to a site plan review.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 104 Ought to Pass with Amendment. This bill prohibits a town or city from requiring road maintenance bonds as a prerequisite for signing an intent to cut. It allows zoning ordinances to be designed to protect agricultural operations, and it prohibits planning boards from regulating timber harvesting operations that are not part of a subdivision application or a development project subject to a site plan review.

Mister President, during the course of the hearing on this bill, the question arose in terms of what bonded vehicles and the commodities that they carried – there was a concern that road agents and boards of selectmen could arbitrarily choose which one they wanted to require to have to post a bond. So, a group of stakeholders got together under the capable leadership of our Chairman and put together an amendment. And, that amendment that was introduced would allow bonds for restoration of municipal highways after excavations, but would require that they be equitably and reasonably applied to all bonded vehicles using the municipal highway. The amendment prohibits the type of commodity carried by the vehicle, for example, logs or heating oil, from being the determining factor in either the requirement of such a bond or fixing the dollar amount of such a bond.

Mister President, the Public and Municipal Affairs Committee recommends Senate Bill 104 be adopted as amended and asks for your support.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 135-FN-A, relative to election returns and election records. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Public and Municipal Affairs

February 22, 2011

2011-0463s

05/10

Amendment to SB 135-FN-A

Amend the bill by replacing section 2 with the following:

2 General Content of Return. Amend RSA 659:73 to read as follows:
659:73 General Content of Return.

1. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

(b) ~~[For each office, the number by which the total number of votes that could have been cast for that office exceeds the total number of votes actually cast for that office.]~~

(c) ~~For each office, the number of potential votes not counted because the voter marked more candidates than permitted. The totals for subparagraphs (b) and (c) may be reported together as a single number.~~

(d) For each office the total number of votes cast for each write-in candidate *who received 5 or more votes* and the candidate's name, *along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes*, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).

~~[(e) (c) For any question submitted to the voters:~~

~~(1) The number of affirmative votes.~~

~~(2) The number of negative votes.~~

~~[(3) The number of ballots where the voter did not cast a vote.~~

~~(4) The number of ballots where the ballot was not counted because the voter marked both yes and no.~~

~~(f) The number of voters who voted in person on election day checked off on the checklist as having voted.~~

~~(g) The number of absentee voters checked off on the checklist as having voted.~~

~~(h) The number of official ballots received from the secretary of state brought to the polling place on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.~~

~~(i) The number of official ballots cast on election day.~~

~~(j) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.~~

~~(k) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.~~

~~(l) The number of Accessible Voting System ballots cast.~~

~~(m) The number of state absentee ballots cast.~~

~~(n) The number of federal offices only absentee ballots cast.~~

~~(o) The number of state write-in absentee ballots cast.~~

~~(p) The number of federal write-in absentee ballots cast.~~

~~(q) (d) In a primary, the number of ballots cast for each party.~~

(e) In a general election, the number of ballots cast.

~~[(r) The number of people who registered to vote on election day.~~

~~(s) The number of undeclared voters that cast ballots for each party at a state primary election.~~

~~(t) The number of undeclared voters that returned to undeclared after voting in a state primary election.]~~

II. Within 24 hours of the closing of the polls, the moderator shall forward to the secretary of state a list of all write-in candidates receiving between one and 4 votes in the election.

III. The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

IV. The moderator shall fill out a worksheet prepared by the secretary of state, which shall be recorded and signed by the moderator within 24 hours of the closing of the polls and submitted to the clerk. The worksheet shall include, but not be limited to:

(a) The number of official ballots received from the secretary of state brought to the polling place by the city or town clerk on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.

(b) The number of official ballots cast on election day.

(c) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.

(d) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.

(e) The number of Accessible Voting System ballots cast.

(f) The number of state absentee ballots cast.

(g) The number of federal offices only absentee ballots cast.

(h) The number of state write-in absentee ballots cast.

(i) The number of federal write-in absentee ballots cast.

(j) A comparison of the different methods of tallying ballots cast.

V. The moderator shall record and sign a names on checklist form within 24 hours of the closing of the polls, unless the secretary of state directs otherwise, and shall submit the form to the secretary of state, with a copy to the clerk. The names on checklist form shall include, but not be limited to:

(a) The number of people who registered to vote on election day.

(b) For each party, the total number of voters registered as members of the party.

(c) The number of undeclared voters that cast ballots for each party at a state or presidential primary election.

(d) The number of undeclared voters that returned to undeclared after voting in a state or presidential primary election.

VI. The moderator shall record and sign a ballots cast form within 24 hours of the closing of the polls and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:

(a) The number of voters who voted in person on election day checked off on the checklist as having voted.

(b) The number of absentee voters checked off on the checklist as having voted.

VII. The town or city clerk may require that forms be completed under this section earlier than the time required by the secretary of state.

Amend the bill by replacing section 5 with the following:

5 Preservation of Checklists. Amend RSA 659:102 to read as follows:

659:102 Preservation of Checklists. No later than the [second] ***fourth*** Friday after each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition, ***if directed by the secretary of state***, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his or her custody for a public record for a period set forth in RSA 33-A:3-a.

SENATOR MERRILL: Thank you, Mister President. I move Senate Bill 135 Ought to Pass with Amendment. Last year, we passed legislation enabling New Hampshire to comply with the requirements of the federal Military and Overseas Voters Empowerment Act. The purpose of M.O.V.E. is to ensure that our military personnel and others living overseas have sufficient opportunity to vote by absentee ballot.

At the state level, this means that ballots must be ready to send 45 days before an election. In New Hampshire, where our primary election can be particularly close in time to the general election, this causes a logistical challenge for local election officials, who must convey primary election data to the Secretary of State's Office in a very short timeframe.

The bill before us today, Senate Bill 135, will relieve some of that time pressure by amending the deadlines for data reporting to the Secretary of State. Town officials will still need to report critical election results by 8:00 a.m. of the day after the election. However, additional data will not be due until 24 hours after the closing of the polls. This bill will reduce the stress placed on local election officials during the last election.

Please join the Public and Municipal Affairs Committee in voting Ought to Pass with Amendment on Senate Bill 135. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

February 28, 2011

2011-0557s

03/05

Floor Amendment to SB 135-FN-A

Amend the bill by replacing section 2 with the following:

2 General Content of Return. Amend RSA 659:73 to read as follows:

659:73 General Content of Return.

I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

(b) ~~[For each office, the number by which the total number of votes that could have been cast for that office exceeds the total number of votes actually cast for that office.~~

~~(c) For each office, the number of potential votes not counted because the voter marked more candidates than permitted. The totals for subparagraphs (b) and (c) may be reported together as a single number.~~

(d) For each office the total number of votes cast for each write-in candidate *who received 5 or more votes* and the candidate's name, *along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes*, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).

~~(e)] (c) For any question submitted to the voters:~~

(1) The number of affirmative votes.

(2) The number of negative votes.

~~[(3) The number of ballots where the voter did not cast a vote.~~

~~(4) The number of ballots where the ballot was not counted because the voter marked both yes and no.~~

(f) The number of voters who voted in person on election day checked off on the checklist as having voted.

(g) The number of absentee voters checked off on the checklist as having voted.

(h) The number of official ballots received from the secretary of state brought to the polling place on election day, excluding ballots marked as test ballots and used prior to election day to test a ballot counting machine.

~~(i) The number of official ballots cast on election day.~~

~~(j) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.~~

~~(k) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.~~

~~(l) The number of Accessible Voting System ballots cast.~~

~~(m) The number of state absentee ballots cast.~~

~~(n) The number of federal offices only absentee ballots cast.~~

~~(o) The number of state write-in absentee ballots cast.~~

~~(p) The number of federal write-in absentee ballots cast.~~

~~(q)] (d) In a primary, the number of ballots cast for each party.~~

~~(e) In a general election, the number of ballots cast.~~

~~[(r) The number of people who registered to vote on election day.~~

~~(s) The number of undeclared voters that cast ballots for each party at a state primary election.~~

~~(t) The number of undeclared voters that returned to undeclared after voting in a state primary election.]~~

II. Within 48 hours of the closing of the polls or other time ordered by the secretary of state, the moderator shall forward to the secretary of state a list of all write-in candidates receiving between one and 4 votes in the election.

III. The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the

return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

IV. The moderator shall fill out a moderator's certificate prepared by the secretary of state, which shall be recorded and signed by the moderator within 48 hours of the closing of the polls or other time ordered by the secretary of state and submitted to the clerk. The worksheet shall include, but not be limited to:

(a) The number of official ballots received from the secretary of state brought to the polling place by the city or town clerk on election day, excluding ballots marked as test ballots and used prior to election day to test an electronic ballot counting device.

(b) The number of official ballots cast on election day.

(c) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.

(d) If the polling place runs out of official ballots, the number of photocopy ballots used as official ballots and cast.

(e) The number of Accessible Voting System ballots cast.

(f) The number of state absentee ballots cast.

(g) The number of federal offices only absentee ballots cast.

(h) The number of state write-in absentee ballots cast.

(i) The number of federal write-in absentee ballots cast.

(j) A comparison of the different methods of tallying ballots cast.

V. The moderator shall record and sign a names on checklist form within 48 hours of the closing of the polls, unless the secretary of state directs otherwise, and shall submit the form to the secretary of state, with a copy to the clerk. The names on checklist form shall include, but not be limited to:

(a) The number of people who registered to vote on election day.

(b) For each party, the total number of voters registered as members of the party.

(c) The number of undeclared voters that cast ballots for each party at a state or presidential primary election.

(d) The number of undeclared voters that returned to undeclared after voting in a state or presidential primary election.

VI. The moderator shall record and sign a ballots cast form prepared by the secretary of state within 48 hours of the closing of the polls, or other time ordered by the secretary of state, and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:

(a) The number of voters who voted in person on election day checked off on the checklist as having voted.

(b) The number of absentee voters checked off on the checklist as having voted.

VII. The town or city clerk may require that forms be completed under this section earlier than the time required by the secretary of state.

Amend the bill by replacing section 5 with the following:

5 Preservation of Checklists. Amend RSA 659:102 to read as follows:
659:102 Preservation of Checklists. No later than the [second] **fourth** Friday after each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked check-

lists which were used in that election, certified by the officers, to the state archives. In addition, *if directed by the secretary of state*, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his or her custody for a public record for a period set forth in RSA 33-A:3-a.

SENATOR STILES: This amendment is consistent with the committee amendment, except that it extends the hours from 24 to 48 hours for the clerks to get the information back to the Secretary of State.

We heard from a few of the town clerks that they would prefer to have more than 24 hours to get the detailed information put together. Working with the Secretary of State's Office, this amendment extends those hours, while still giving the Secretary of State the opportunity to move it back to 24 hours should the time between a primary and general election, or other reasons, dictate the need.

You will note the changes in hours from 24 to 48 on page 2, lines 18 and 26, and on page 3, on lines 6 and 18. There are also two language changes. The Secretary of State's recommendation, page 2, line 25, the word "worksheet" has been changed to "certificate", and on line 31, the word "machine" has been changed to "device".

I ask that we give our local clerks the extra time, if necessary, working with the Secretary of State's Office, and ask you to vote Ought to Pass on this amendment. Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in support of the floor amendment, and would think that our local officials would, too. Thank you.

(The Chair recognized Sen. White for a question of Sen. Stiles.)

SENATOR WHITE: Thank you, Mister President. I'm wondering if there's a problem on page 2, line 28, because you did change the word to "certificate", but then you've got "worksheet" here; do we have consistency in the language, or did I misunderstand that part of the amendment?

SENATOR STILES: Thank you for the question. I would trust the Secretary of State's Office with identifying the difference between "certificate" and "worksheet". So, I think it's appropriate to leave them as it is.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 169-FN, relative to campaign expenditures and contributions by business organizations and labor unions. Inexpedient to Legislate, Vote 4-1. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 169-FN Inexpedient to Legislate. A basic tenet of constitutional law, and New Hampshire election law, as well, according to our Secretary of State's Office, expressly forbids the singling-out of specific political committees such as business organizations or a labor union from different treatment than other political committees with regard to contributions and frequency of reporting requirements for political committees.

Senate Bill 169-FN, if adopted as written, will undermine the basic principles of equal treatment under the law by singling out business organizations and labor unions for different treatment than a person or other political committee.

After discussing the bill, including two amendments the bill sponsors alluded to, the Committee concluded the current political contribution and reporting and disclosure requirements are adequate.

Mister President, I'd just like to note that last session, House Bill 1367 – very similar to this Senate Bill 169 – came to the Senate, we put it out of the Senate committee and it was laid on the table for reasons similar to what I have stated in my remarks. That said, Mister President, I ask that the Senate accept the recommendation of the Public and Municipal Affairs Committee of Inexpedient to Legislate for Senate Bill 169. Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in opposition to the motion of Inexpedient to Legislate. And, Senator Boutin, I'm sorry that the Secretary of State was unable to join us for our hearing on 169; I think it would have furthered our discussion of issues that you've raised, and others.

Senate Bill 169 addresses the issue of large independent expenditures and contributions that have the potential to have a significant impact on New Hampshire's political process. This bill does so solely through the implementation of reporting requirements for business organizations and labor unions, in addition to the political committees established by those entities.

Current New Hampshire law does not require the reporting of independent expenditures made directly from the general treasury funds of business organizations and labor unions. New Hampshire remains the only state in the Northeast without such reporting.

It's important to emphasize that Senate Bill 169 contains no restrictions or prohibitions on expenditures or contributions. It is about one thing only: giving our citizens the full picture of who is participating in our elections through financial contribution. I urge my colleagues to support campaign finance disclosure by overturning the Inexpedient to Legislate motion. Thank you, Mister President.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. And, the good Senator Merrill mentioning the absence of the Secretary of State's Office when this bill was heard, that is correct; the Secretary of State's Office was in the House at the time. I did go and speak with the Secretary of State's Office, did receive a memo from the Secretary of State's Office regarding Senate Bill 169. And, I was told that the Secretary of State's Office was in complete comfort with this being revealed on the Senate floor: Basically, the remarks, Senator Merrill, that I read, is a reflection of the Secretary of State's Office about the different treatment, and also about the... The Secretary of State's Office also made a big point of the burden that it would place on their office for the additional reporting requirements. And, what's important to understand is that if you're concerned about disclosure, transparency, whatever, all these organizations, whether it's a business organization or if it's a labor union or if it's an individual, and they write a check to us, we have to report it on

our form, and there's a reporting schedule. Now, you suggest that all these different business organizations and labor unions who already are reported on the candidate form will now have to do their own separate reporting, and the Secretary of State's Office indicated that that would be a substantial burden on their office. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I will be mercifully brief in my comments; Senator Merrill has completely captured everything that I would have noted.

The only point that I feel compelled to articulate is, with all due respect and deference to the Secretary of State's Office and the input that they would provide, it is this body's and the Legislature's responsibility to pass policy and to pass bills that we feel are important to the State of New Hampshire's election laws and transparency. That's my only comment. Thank you very much, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I can't promise to be mercifully brief. But, I will say that I think the most important thing for us to consider today is the ability of our voters and those who are participating in the election process to know where the funding is coming from when we are being advertised to. And, for us to be able to see whether it's on the Republican side, Democratic side, Independent side, Tea Party side, who's paying for our elections? And, when you know that, when you're being advertised to and you know where it's coming from, that gives you greater information as a voter. And, I think that overused word, "transparency", is important to the election process. And, if there's a way that we can find to have that reporting occur and make it more open and sun shine on those spendings in our election process, all of those advertising pieces that so many citizens we heard from saying, "Give us a break; this is endless," at least they know where it's coming from, and that's what this bill was seeking to do. And, I think it's one which we need to keep a focus on, that we still need to correct this problem. And, while I understand the votes are there to make Inexpedient to Legislate Senate Bill 169, I think it's important to recognize the importance of sunshine on all of our election process. Thank you.

(The Chair recognized Sen. Merrill for a question of Sen. Larsen.)

SENATOR MERRILL: Thank you, Mister President. Thank you, Senator Larsen. Senator Larsen, is it your understanding that currently, business organizations and labor unions do not have to report on so-called "independent expenditures"?

SENATOR LARSEN: That's my understanding. If it's a PAC, making a contribution to PAC in the last few weeks, they are required to file immediately – if it's over \$500 – to file immediately with the Secretary of State. But, if it's an independent contribution, the filing is not required.

SENATOR MERRILL: Thank you, Senator Larsen.

(The Chair recognized Sen. Bradley for Sen. Boutin.)

SENATOR BRADLEY: Senator Boutin, could you outline for us the disclosure requirements that we all have to go through whenever we get a donation of over \$100, and how often we would have to do that starting after the June filing period?

SENATOR BOUTIN: Thank you for the question. Senator Bradley. There is a framework in our RSA 664; I don't have the statute with me, so I don't know the exact reporting. But, it's frequent enough. And, we do have to report by name, address, who donated; if it's a business organization, you report that, if it's from a labor union, we report it, if it's from an individual. The matter of this issue is that you can't differentiate between... In New Hampshire law – forget about federal law, forget about election law in any other State – in New Hampshire law, business organizations, labor unions, and a person are all the same. You cannot treat them differently. So, XYZ Pizza wants to give me a check, or Senator Larsen a check, they're allowed to do that. And so, that's the underlying, or the root problem with this particular bill, and I would be happy to work with Senator Houde if he'd like to work on this for next session to see if we can craft something that would get at what he would like to do, but I don't think that this bill, with all due respect, gets to where he wants to get. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 18- Nays: 5

Adopted.

WAYS AND MEANS

SB 23-FN, establishing a revenue assistant position within the department of justice. Inexpedient to Legislate, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 23 Inexpedient to Legislate. This bill was requested by the Department of Revenue Administration that sought to establish a revenue assistant position within the Department of Justice to represent the Department of Revenue in various court cases.

Ultimately, the Department of Revenue was not able to find sufficient funding for the position as required by the legislation. As a result, the Commissioner expressed his understanding of our inability to move forward with the bill due to the budget constraints we currently face.

Therefore, the Ways and Means Committee asks for your support for the motion of Inexpedient to Legislate. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 78-FN-A-L, relative to motor vehicle registration fees. Ought to Pass, Vote 5-1. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 78 Ought to Pass. This bill eliminates the \$30 dollar surcharge on motor vehicle registration fees enacted in 2009. This surcharge was initially agreed upon as a compromise during the budget process, and was intended to be temporary for only a two-year period.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition for the following reasons: The bill says "effective upon passage". The budget was built with these revenues through the 30th of June. The bill sunsets, or the registration fee sunsets, at the end of the fiscal year. So, that situation, I think, is important, because it costs \$5 million if indeed that happens. And, I recognize the fact that this is a serious consideration among our constituents. By the same token, the dollars going to the Department of Transportation and the Department of Safety are very important in terms of our roads and bridges on the DOT side and our State Police on the Department of Safety side.

This particular piece of legislation was worth \$90 million: \$45 million a year. The withdrawal of this piece of legislation in the succeeding budgets for '12 and '13 will be the loss of \$90 million worth of revenue. That revenue went back to cities and towns, to betterment, which means our bridges and our roads will not be getting any money unless that money is supplanted by general fund monies. That means \$90 million must be found. And, there's been a reticence on the part of the House to come up with revenue-producing measures. So, I just want you to take these things into consideration. The cities and towns that you represent will not be getting betterment money. That money goes to fix bridges and to repair roads. All of you recognize the fact that we have red-lined bridges in the State of New Hampshire. If you'd been driving down the F.E. Everett Turnpike to Manchester, you'd notice that both of those bridges are red-lined, and every time you go under them, you're running a risk, and you see the little wooden house that's built underneath one of our bridges right now, that's constantly under repair. I drive through those bridges every day, I drive right under those bridges every day, and obviously, I am concerned about their ability to sustain the traffic that goes over them. Roads, bridges: very important. Some of that money goes to State Police. As I say, that money has to be, has to be, supplanted with general funds in order to sustain our safety and the credibility of our roads. I think that's something we all ought to know, we ought to be attentive to that fact as the budget moves across from the House to the Senate. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 126-FN, relative to net operating loss carryovers under the business profits tax. Ought to Pass, Vote 6-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 126 Ought to Pass. This bill increases the net operating loss carry-forward threshold from a very limited \$1 million to \$10 million.

The purpose of the net operating loss credit is to allow businesses to use losses in one year to offset profits in other years. This enables businesses who are suffering to recover more quickly and to invest their profits back into hiring and other areas that will ultimately lead to more profitability.

In addition, fast-growing startups can throw off losses for several of its early years, and a limited carry loss would cripple them in this situation.

This legislation is important in order to support our business community and enhance New Hampshire as a business-friendly state. We currently

rank 50th in terms of our net operating loss cap. Most states and the federal government allow a two-year carry-back and a 20-year carry-forward, with an unlimited cap. New Hampshire has no carry-back provision and has a 10-year carry-forward. In this extremely difficult business climate, raising the net operating loss threshold from \$1 million to \$10 million is the right thing to do for businesses.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Barnes, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 23- Nays: 0

Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 131-FN, repealing the exemption for water and air pollution control facilities from local property taxation. Inexpedient to Legislate, Vote 6-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 131 Inexpedient to Legislate. This bill sought to repeal the exemption from property taxes for the appraised value of water and air pollution control facilities as determined by the apartment of Department of Environmental Services.

This bill would treat certain companies' equipment as taxable property. More than 40 other states have similar provisions for companies to have their water and air pollution control systems exempt from property taxation. A repeal of this exemption would put New Hampshire companies at a competitive disadvantage, and also send a negative message to any companies looking to relocate here.

If this bill were to pass, utility companies would pass the increased taxes directly on to their customers. Others that would be negatively impacted, including the Mount Washington Hotel, Monadnock Paper, and Berlin Paper Mill, would also be impacted by a repeal of the exemption. These are companies who, in some cases, employ hundreds of individuals in the towns in which they are located, and they're our highest taxpayers, as well. This is not the time to be increasing taxes on our businesses.

The Ways and Means Committee asks your support for the motion of Inexpedient to Legislate for Senate Bill 131. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. Ought to Pass, Vote 4-2. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 133 Ought to Pass. This bill reestablishes the property tax exemption for telecommunications poles and conduits.

When we enacted the communications service tax, it was intended to create a level playing field for wireless, wire-based, and satellite telecommunications providers. Part of maintaining that level playing field included the exemption of poles and conduits from property taxation. We passed a bill in the Senate last year to continue this exemption, but it was killed in the House.

Telecommunications poles and conduits have never been subject to local property taxation in this state. If we don't reinstate the exemption now, we will be subjecting poles and conduits to taxation for the first time, and this will ultimately be passed on and absorbed by New Hampshire taxpayers.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sens. Barnes, Forrester, and Stiles are in opposition to the motion of Ought to Pass on SB 133-FN.

SB 138-FN-A, eliminating the lottery commission and establishing the education lottery authority. Inexpedient to Legislate, Vote 5-1. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move Senate Bill 138 Inexpedient to Legislate. This bill was requested by the lottery commission and sought to allow them to operate more like a business by creating an education lottery authority.

While we commend the lottery commission for wanting to take steps to improve the efficiency of their operation, we believe a more careful and deliberative process, with thoughtful communication between the Legislature and the commission, must first take place. The State does rely heavily on revenues raised by the lottery commission, and there are ways to streamline and modernize the operations to achieve greater results, and we understand that the Governor's budget includes language to do just that.

The Ways and Means Committee asks for your support for the motion of Inexpedient to Legislate. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 149-FN-A-L, relative to the rate of the meals and rooms tax and the distribution formula for meals and rooms tax revenue. Inexpedient to Legislate, Vote 6-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 149 Inexpedient to Legislate. This bill sought to reduce the rate of the meals and rooms tax from 9 percent to 8 percent. It also sought to change the distribution formula for meals and room tax revenue distributed to towns and cities. When the rate was raised from 8 to 9 percent, an agreement was reached that would allocate a portion of the tax to promote travel and tourism.

There is no evidence to indicate that the increase of 1 percent in the meals and rooms tax rate has had any negative impact. Any rollback of the rate would eliminate the State's ability to invest in travel and tourism promotion to attract more business. Additionally, those entities who collect the tax on behalf of the State retain 3 percent for doing so.

The second half of this legislation would have altered the current meals and rooms tax revenue distribution formula to give more money back to certain towns or cities where the revenue is generated. That would pitch rich communities against poor communities, and the Department of Revenue indicated to the LBA that they don't have the necessary data to implement the proposed distribution formula.

The Ways and Means Committee asks for your support for the motion of Inexpedient to Legislate. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. Ought to Pass with Amendment, Vote 6-0. Senator Luther for the committee.

Senate Ways and Means
February 23, 2011
2011-0492s
09/03

Amendment to SB 168-FN

Amend section 11 of the bill by replacing all after paragraph XII with the following:

XIII. RSA 77:14-a, relative to partnerships and limited liability companies.

XIV. RSA 77:14-b, relative to partners and members.

XV. RSA 77:14-c, relative to members of partnership or limited liability company outside the state.

XVI. RSA 77:14-d, relative to application of sections.

XVII. RSA 77:17-a, relative to small business corporation reports.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 168 Ought to Pass with Amendment. This bill seeks to simplify and modernize New Hampshire's incredibly outdated interest and dividends tax law.

The law was first enacted in 1923, and hasn't been updated to reflect modern economic and legal practices. I do believe that a few key events have happened in the financial market since 1923.

This bill contains the same language as last year's Senate Bill 497, which passed the Senate on a 24-0 vote but was subsequently killed in the House Ways and Means Committee. This bill will provide simplicity, clarity, and consistency. If you report interest and dividends tax to the federal government, you will pay 5 percent to New Hampshire; that speaks to the simplicity of it.

The bill eliminates 40 pages of administrative rules, and instead provides a simple one-page form that will help encourage compliance.

We understand that the DRA will be revising the current fiscal note, and we believe the ultimate fiscal impact of this bill will likely be close to revenue neutral.

The committee amendment simply makes some technical corrections to the bill.

The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Larsen for a parliamentary inquiry.)

SENATOR LARSEN: It's a simple one. Will Senate Bill 168 be going to Finance?

PRESIDENT BRAGDON: Senate Bill 168 is not scheduled to go to Finance.

SENATOR LARSEN: Then may I ask a question of Senator Morse?

PRESIDENT BRAGDON: Senator Morse has not spoken, though if he cares to speak to why this isn't going to Finance, then that would be allowed.

(The Chair recognized Sen. Larsen for a question of Sen. Morse.)

SENATOR LARSEN: I'm just wondering why it's not going to Finance, Senator Morse.

SENATOR MORSE: I believe this is going to be revenue neutral. The legislation itself is just picking up a number from a form exactly the way the Department wanted the number to be picked up. And, I don't believe that there's going to be a revenue problem with this.

SENATOR LARSEN: And, the prior year's estimate of \$11 to \$12 million you think is not an accurate estimate?

SENATOR MORSE: No, and I think the Department, when they came to speak, spoke to that.

SENATOR LARSEN: Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 23- Nays: 0

Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

SB 30, relative to including a parent's residence in the parenting plan.

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax.

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country.

SB 47, extending the commission to study water infrastructure sustainability funding.

SB 57, relative to regulation of title loan lenders.

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways.

SB 108, relative to emergency obstetrical care.

SB 130-FN-A, repealing the tax on gambling winnings.

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

SB 135-FN-A, relative to election returns and election records.

SB 139-FN, relative to state recoveries of public assistance caused by fraud.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

SB 168-FN, conforming the interest and dividends tax to federal tax definitions.

SB 172, relative to performance-based school accountability criteria.

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

LIST OF RULE 2-15'S FOR THE DAY

Sen. White: SB 89, SB 157-FN, SB 163-FN, SB 186-FN, SB 188-FN.

ANNOUNCEMENTS

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. This month is the celebration of the French people. In America, we call it the Franco-American Day. There's an organization called Francophone, which is an international arm of the French people's celebration around the world. At 9:00 Monday morning in the Governor's chambers, we are going to have a proclamation. The people that are going to attend this celebration with us are the Consulate General of France, the Consulate General of Canada, and a delegate of Quebec. We're going to have the ceremonies at

the proclamation with the Governor followed by a flag-raising, followed by a session in the Senate, where we will exchange gifts, or present gifts, to this delegation to honor the Franco people of the world. I'd like to take an opportunity to invite all the Senators to join us in that celebration. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, really some sad news. I'm sure some of you saw in the newspaper that our former Governor, former Speaker of the House, and just great public servant, Walter Peterson, is quite ill. Walter has stage IV cancer. He's being treated at the Dartmouth-Hitchcock Medical Center in Hanover.

Most of you know Walter because he's been on the scene in New Hampshire for most of our lives, having served as Speaker of the House of Representatives, President of the Constitutional Convention, Governor of the State of New Hampshire, President of Franklin Pierce, President of UNH. Walter's 88 years of age, and is probably the finest example of a public servant that any of us have ever seen, and the State of New Hampshire has been blessed with his presence for 88 years.

His condition is being treated at Hitchcock, and I would hope that those of you who know Walter would maybe give a call or drop a card to him at his home, and probably be in contact with his son, Andy, who's really handling the communications at this point in time. Thank you, Mister President.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. As some of you may know, my wife and I participate in an annual charity event called Saint Baldrick's that raises money and awareness, trying to help young kids who have cancer. And, we're having our annual event this Saturday. And, I invite all Senators and members of the gallery to come down and participate and help show kids who are suffering some real challenges that it will be okay. And, in solidarity with all these children that are coming to our fine establishment – I hope to see many of you there Saturday – we'll be giving free exceedingly close haircuts to show the children that it's an okay thing. So, I invite you all down on Saturday from 1:00 to 5:00 p.m.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate.

HB 106, relative to filing for town offices.

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division.

HB 289, relative to procedures followed by funeral directors.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

HB 441-FN, relative to muffling devices on boats.

HB 488-FN, relative to criminal records checks for employment with child day care agencies.

HB 510, requiring marital masters to be New Hampshire residents.

HB 511, relative to retired judges over 70 years of age.

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 572-FN, relative to official oppression.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 36-FN-L, reducing the fee for copies of birth certificates. (Ways and Means Committee.)

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (Transportation Committee.)

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee. (Capital Budget Committee.)

HB 111, relative to redispensing unused drugs. (Health and Human Services Committee.)

HB 113, prohibiting the use of state funds for New Hampshire public television. (Finance Committee.)

HB 148, relative to federal funding for motorcycle-only roadside checkpoints. (Transportation Committee.)

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. (Ways and Means Committee.)

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. (Ways and Means Committee.)

HB 289, relative to procedures followed by funeral directors. (Health and Human Services Committee.)

HB 364, relative to the membership of the state committee on aging. (Health and Human Services Committee.)

HB 441-FN, relative to muffling devices on boats. (Transportation Committee.)

HB 488-FN, relative to criminal records checks for employment with child day care agencies. (Health and Human Services Committee.)

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. (Transportation Committee.)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 16, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

In the early 400s, when Saint Patrick was captured by Irish pirates and dragged off to slavery as a shepherd, he had five years to think. Years after, he returned to that place of captivity, a cold and rocky wet place, not unlike New Hampshire in the spring.

He is known for his strategy: he took Druid pillars and put crosses on them. We can take a page from Saint Patrick's playbook, no matter what religion or perspective we hold on things spiritual. Patrick led by embracing hardship as a teaching tool, using silent captivity to search his heart rather than his head, and moved his agenda forward by carving signs into stone rather than messages into flesh. As leaders, our calling is to lead with strong tenderness, not weak power plays. Let us pray.

God of all tenderness, so change our hearts and move within our souls that we, like the shepherds of every land, may learn that it is in silence and not in the debate that we will find our answers. Grant us the good use of our silence.

Amen.

Sen. Kelly led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. It's my pleasure to introduce two students from Ashland School. We have Abby Downing, who is a 14-year-old, grade 8, from Ashland. Her favorite school subject is language arts; her favorite book is *White Fang*. Extracurricular activities include softball, basketball, volleyball, after-school arts, and she is a member of the National Junior Honor Society. In the future, she hopes to have a farm and teach children how to ride horses. Welcome, Abby.

We also have Alannah LeBlanc; she lives in Hebron and attends Ashland. Her favorite school subject is math; her favorite book is *L.A. Candy*. Her extracurricular activities are cheerleading and softball, and in the future she hopes to go to medical school and become a doctor.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: SB 12-FN, SB 13-FN, SB 14-FN, SB 70-FN, SB 75-FN, SB 77-FN, SB 79-FN, SB 83-FN, SB 84-FN, SB 132-FN-A-L, SB 134-FN, SB 142-FN, SB 152-FN, SB 155-FN-A, SB 162-FN, SB 167-FN-A-L, SB 182-FN-A-L.

SUSPENSION OF SENATE RULES

Sen. Bradley moved that the Senate Rules be suspended in order to allow SB 156-FN-L to be reported out of the Commerce Committee, as the Committee acted after the Senate deadline.

The question is on the motion to suspend the rules. Adopted by necessary 2/3 vote.

COMMITTEE REPORTS**SPECIAL ORDER**

Without objection President Bragdon moved SB 3-FN-A-L be Special-Ordered to immediately following lunch.

COMMERCE

SB 70-FN, relative to remedies in landlord-tenant actions. Re-refer to committee, Vote 4-0.

Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I ask the Senate to vote down the motion to Rerefer. After the executive session on Senate Bill 70, members of the Commerce Committee have worked out a floor amendment that we believe all parties can agree to. Please join me in voting against the motion to Rerefer so that a substitute motion of Ought to Pass can be made and followed by a floor amendment. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Motion failed.

Sen. De Blois moved Ought to Pass.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

Sen. Sanborn, Dist. 7

Sen. De Blois, Dist. 18

March 14, 2011

2011-0866s

05/10

Floor Amendment to SB 70-FN

Amend the bill by replacing section 2 with the following:

2 Remedies. Amend RSA 540-A:4, IX(b) to read as follows:

(b) *Notwithstanding the provisions of subparagraph (a), a landlord who violates RSA 540-A:3, VII shall be subject only to an award of actual damages, plus costs and reasonable attorneys fees.*

(c) The provisions of subparagraph (a) shall not apply to petitions brought in good faith by a landlord or a tenant to determine whether a request for entry under RSA 540-A:3, V is reasonable and lawful.

2011-0866s

AMENDED ANALYSIS

This bill shortens the time period during which a landlord is required to store a tenant's abandoned property. The bill also reduces the amount of damages available for violations of the requirement.

SENATOR HOUDE: Thank you, Mister President. The Commerce Committee heard a substantial amount of testimony from landlords regarding the burden of retaining a departed tenant's possessions for the current 28 days that is required, and the risks of failing to do so. They essentially lose a month's value in many cases, or incur costs for storage, while the

tenant seldom returns for the possessions. We also heard of an unfortunate incident that cost a landlord substantially financially as a result of Consumer Protection Act provisions applied to her situation.

As such, the Committee agrees with reducing the time required for a landlord to maintain the possession of seven days, which is reflected in section 1 of Senate Bill 70 as introduced. However, section 2 of Senate Bill 70, as introduced, would have removed important consumer protections in their entirety. As such, the Committee has agreed, instead, to remove only the applicability of the Consumer Protection Act to the specific situation where a landlord disposes of a tenant's property prior to the seven days elapsing. Specifically, in such situation, a landlord will not be subject to an initial fine and threat of treble damages, but instead only for actual damages, as well as costs and reasonable attorneys' fees that may be incurred. Consumer protection provisions for other violations, including for heat, electric, and other utility services, remain.

As such, the Committee respectfully asks for your support of Senate Bill 70 as amended. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 77-FN, relative to the special fund for payment for second injuries under the workers' compensation law. Re-refer to committee, Vote 4-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move that Senate Bill 77-FN be rereferred to committee. Senate Bill 77-FN would clarify when payments would be made from the special fund for second injuries under workers' compensation law. This bill would establish a special fund review board to hear appeals from the Commissioner of Labor's actions regarding requests for reimbursement from the special fund.

The Committee believes this legislation could benefit from some additional work. Please join the unanimous Commerce Committee and vote to rerefer Senate Bill 77.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles in the issuance of vehicle titles and registrations. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Commerce
March 11, 2011
2011-0807s
03/09

Amendment to SB 156-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. This act known as the Electronic Vehicle Registration (EVR) law will allow New Hampshire residents to choose the most convenient place for them to register their newly purchased vehicle: their town or city hall or the New Hampshire dealership where it was purchased.

II. Currently, New Hampshire residents and businesses can only register their vehicles at town or city halls. In nearly 30 other states, customers can choose to electronically register their vehicle at the dealership. These dealers through an electronic intermediary securely and quickly electronically transmit the official local and state fees and data to the appropriate entity. This act seeks to replicate the success in those states.

III. This act will:

(a) Allow customers to securely register their vehicles at authorized dealerships but only at time of sale of the vehicle.

(b) Improve customer service at the towns, cities, state, and dealerships.

(c) Allow law enforcement access to temporary plate information.

(d) Allow New Hampshire dealers to collect and electronically remit the official fees, securely and promptly, to the towns or cities and the state as they have successfully done in other states.

(e) Allow towns and cities and the state to collect their respective revenues more quickly and safely.

(f) Allow towns and cities and the state to quickly integrate moneys and data into their respective accounting or related software.

IV. All current town revenues are to stay with the towns. The fees collected by dealer agents will be transmitted to the same government entity where the fees are currently sent or collected. This includes the registration permits fees (RSA 261:153, I), town clerk fee (RSA 261:152), title application fee (RSA 261:4, IV), municipal agent fee (RSA 261:74-d), waste reclamation fee (RSA 261:153, V), municipal transportation improvement fee (RSA 261:153, VI), collection of permit fees in unorganized places (RSA 261:160), and the public parking facilities fee (RSA 261:154).

2 New Paragraph; Notification of Unpaid Fines. Amend RSA 231:130-a by inserting after paragraph II the following new paragraph:

III. The town or city clerk may provide the notifications permitted by subparagraphs I(b) and I(c) to electronic vehicle registration integrators operating under an agreement with the department of safety pursuant to RSA 261:74-s.

3 New Sections; Definitions. Amend RSA 259 by inserting after section 29-a the following new sections:

259:29-b EVR Integrator. "EVR integrator" shall mean an electronic vehicle registration integrator who provides any necessary hardware, software, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money.

259:29-c EVR Program. "EVR program" means the electronic vehicle registration program that allows dealer agents to process motor vehicle registrations, permits for registration, or registration transfers and title applications in conjunction with the sale of a new or used vehicle by said dealer pursuant to RSA 261:74-h through 261:74-s.

4 Bond Required. Amend RSA 261:98, I to read as follows:

I.(a) Every retail vehicle dealer as defined in RSA 259:89-a, every auto wholesale dealer as defined in RSA 259:5-a, every automotive recycling dealer as specified by RSA 261:123, and certain utility dealers as defined by RSA 259:121 if required by rule of the commissioner, shall obtain a bond or equivalent proof of financial responsibility as described

in paragraph VI, and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the department in the amount of \$25,000 executed by a surety company authorized to transact business in the state by the insurance department.

(b) The bond or its equivalent shall only be for the benefit of:

(1) A natural person who purchases a vehicle from a dealer, an automotive recycling dealer, or a utility dealer, and who suffers loss on account of:

[(a)] (A) The dealer's default or nonpayment of all valid bank drafts, including checks, drawn by the dealer for the purchase of motor vehicles;

[(b)] (B) The dealer's failure to deliver in conjunction with the sale of a motor vehicle a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;

[(c)] (C) The motor vehicle purchased from the dealer was stolen; or

[(d)] (D) The dealer's intentional or knowing failure to disclose the vehicle's actual mileage at the time of sale.

(2) *A New Hampshire town or city or the state of New Hampshire which suffers loss on account of:*

(A) *The dealer's failure to collect all official fees related to motor vehicle registration, permits for registration, registration transfer, and title applications required and permitted under this chapter; or*

(B) *The dealer's nonpayment of all official fees collected to register a motor vehicle, issue a permit for registration, transfer a registration, or title a vehicle.*

(c) *Subparagraph (b)(2) shall apply to only those dealers who are dealer agents appointed pursuant to RSA 261:74-h. Subparagraph (b)(2), if applicable, shall not require the dealer to obtain a separate bond.*

5 New Subdivision; Registration by Dealer Agents. Amend RSA 261 by inserting after section 74-g the following new subdivision:

Registration by Dealer Agents

261:74-h Appointment of Dealer Agents. Subject to the direction and approval of the commissioner, the director may appoint retail vehicle dealers meeting the requirements of RSA 261:103-a as agents to process electronically through EVR integrators motor vehicle registrations, permits for registration, or registration transfers and title applications in conjunction with the sale of a new or used vehicle by said dealer. The director shall consult with the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association prior to approving the appointment of any dealer agent. Any permits issued by a dealer agent shall indicate that it was processed by a dealer agent. No dealer shall be permitted to act as a dealer agent unless the department of safety has implemented an agreement with an EVR integrator.

261:74-i Duration of Appointment. The director shall appoint those dealers that meet the reasonable security requirements and other requirements as set forth in this chapter and in rule. The appointment of any dealer for the purposes of this subdivision shall continue only as long as the ownership of the dealer remains the same, except as provided in RSA 261:74-j and RSA 261:74-q. In case of a transfer of ownership, the new owner may apply to become a dealer agent.

261:74-j Qualifications and Training of Dealer Agents. No dealer shall be appointed as an agent unless the dealer principal or its staff meet the qualifications and successfully complete the training programs established

under RSA 261:74-r. No dealer agent may perform the duties required under this subdivision unless the dealer principal or its staff continues to meet the reasonable qualification and training requirements.

261:74-k Duties of Dealer Agents. Each dealer agent or its staff shall perform all the duties necessary to register motor vehicles, issue a permit for registration, transfer motor vehicle registrations, and process title applications unless the director determines otherwise. Dealers shall be responsible to the division, or towns and cities where applicable, for any inventory of title applications, registration forms, and any other materials issued to them and for all moneys collected. The dealer agent through the EVR integrator shall electronically transmit to the appropriate town or city a copy of the newly issued registration permit and a signed affidavit of residency, and, where applicable, a copy of the registration transferred and a copy of either the resident tax affidavit or the tax receipt as set forth in 261:74-n, III. Dealer agents shall be in compliance with the Red Flags Rule, 16 C.F.R. part 681, and the Safeguards Rule, 16 C.F.R. part 314, as promulgated by the Federal Trade Commission.

261:74-l Security and Record-Keeping Requirements. Before receiving title applications, registration forms, and any materials related to electronic vehicle registration, dealer agents shall adopt and implement security and record-keeping requirements satisfactory to the director.

261:74-m Examination of Dealer Agent Records. Any dealer appointed as an agent pursuant to this subdivision shall be deemed to have given its consent for authorized agents of the department and any auditor employed or commissioned by the state of New Hampshire or the municipality to examine, during usual business hours and with reasonable notice, the records required to be preserved under this chapter; provided no such agent shall be subjected to unnecessary or unreasonable examinations or investigations.

261:74-n Collection of Fees.

I. Dealer agents shall collect the fees required to process motor vehicle registrations, permits for registration, transfers of registrations, and title applications as set forth in this chapter.

II. When a dealer agent processes motor vehicle registrations, permits for registration, transfers of registration, and title applications the applicable town or city or clerk shall receive the following fees through the dealer agent and the EVR integrator: the registration permit fee under RSA 261:153, I, the town clerk fee under RSA 261:152, the title application fee under RSA 261:4, IV, the municipal agent fee under RSA 261:74-d, and, when applicable, the waste reclamation fee under RSA 261:153, V, the municipal transportation improvement fee under RSA 261:153, VI, the collection of permit fees in unorganized places under RSA 261:160, and the public parking facilities fee under RSA 261:154. The town or city may use the fees received by the town or city to offset the expenses of examination and auditing of dealer agents. Towns, cities, and the state shall inform the EVR integrator annually as to the details of the fees listed in this paragraph and provide timely notice to the EVR integrator of any changes to fees.

III. When a registration permit applicant resides in a town that assesses, levies, or collects a resident tax pursuant to RSA 72:1, the applicant shall comply with the provisions of RSA 261:71 either by showing or causing to be shown to the dealer agent a tax receipt or by executing the affidavit permitted under RSA 261:71 at the time of sale. If a resident tax town electronically shares resident tax data with the EVR integrator, neither the affidavit nor tax receipt is needed if such data reveals

the resident tax has been paid. An applicant shall not be permitted to register a vehicle if such data reveals that the applicant is delinquent in paying the resident tax.

IV. If the applicant resides in a town or city which has adopted the provisions of RSA 231:130-a and the town or city has provided notification of unpaid fines to the electronic vehicle registration integrator pursuant to 231:130-a, III, a dealer agent shall not issue a registration permit to the applicant unless the town or city clerk's records reveal no outstanding parking violations in this state.

V. No dealer agent shall assume or absorb any fee listed in paragraph II owed by a customer or advertise or assert that the dealer will assume or absorb such fee. Any violation of this paragraph shall subject the dealer agent to a fine of \$100 per violation.

261:74-o Optional Electronic Vehicle Registration Charge. Each dealer agent may collect a charge from the consumer to transmit electronically the registration and title data and the fees collected required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. This optional charge is in addition to other dealership fees or charges and the fees otherwise required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. The charge shall be separately stated and identified as "optional EVR charge" on the purchase agreement between the customer and the dealer agent. If a customer declines to pay the optional electronic vehicle registration charge, the dealer agent is not required to register the vehicle, issue a permit for registration, title the vehicle, or collect the required fees.

261:74-p Proof of Residency. A dealer agent shall not process any vehicle registration, permit for registration, or transfer of motor vehicle registrations of a natural person unless the applicant has provided to the dealer agent a current New Hampshire driver's license or New Hampshire nondriver's picture identification card with an address matching the application to be transmitted and the natural person has signed an affidavit of residency which specifies the town or city in which he or she currently resides. Dealer agents shall not process registrations for homeless residents without a permanent address eligible to register under RSA 261:52-c. A dealer agent may register the vehicles of a corporation or other legal entity with a place of business in this state if the applicant is a registered business in New Hampshire and is in good standing and an authorized representative of the corporation or entity has signed an affidavit specifying the New Hampshire town or city in which the corporation or entity resides, is headquartered, or operates.

261:74-q Revocation or Suspension of Agency Status.

I. The director may revoke or suspend a dealer's agent status for any violation of law or rule governing electronic vehicle registration, any violation of the dealer agent's security and record-keeping plan, revocation or suspension of the dealer license, or any other action that in the director's opinion adversely affects the registration system. If the director determines that a dealer agent has not continued to fulfill the requirements of this subdivision or has violated any of the rules adopted pursuant to this subdivision, the director shall commence a process to suspend or revoke the agent status of the dealer. The director shall take into account concerns of towns, cities, and the EVR advisory group established under RSA 261:74-s, IV about dealer agents.

II. Any dealer agent whose appointment is sought to be suspended or revoked shall be afforded the opportunity for a hearing before the bureau of hearings prior to such suspension or revocation. Following the hear-

ing, the director may suspend or revoke the appointment as dealer agent upon satisfactory evidence of malfeasance, misfeasance, theft, financial instability, or violation of the rules adopted under this subdivision and that the revocation or suspension is in the best interest of the state.

III. Upon the revocation of such agent status, the dealer agent shall surrender to the department or its authorized agent all materials issued by the state under the provision of this subdivision and all records pertaining to all matters authorized by this subdivision.

IV. Whenever an authorized auditor of the state of New Hampshire or the department determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a dealer agent to register or transfer registrations, pending a hearing.

261:74-r Rulemaking. The director, with input from the EVR advisory group established under RSA 261:74-s, IV, shall adopt rules pursuant to RSA 541-A relative to:

I. Minimum standards for the qualification of dealer agents and their staffs.

II. Minimum security standards for the dealer agent, staff, and dealer agent facility.

III. Training requirements and programs for dealer agents and their staffs.

IV. The collection, remittance, and auditing of state and local funds pursuant to this subdivision.

V. The completion of required reports and records and their submission to the department and towns or cities.

VI. Minimum standards of accuracy, legibility, and timeliness of submission for documents and reports.

VII. The indemnification and reimbursement of the state or town or city in case of loss.

VIII. The efficient and economical administration of this subdivision.

IX. Revocation and suspension of dealer agent status.

X. The ability to enter into agreements with dealer-agents and EVR integrators.

XI. The creation of an error resolution process to resolve registration errors resulting from the EVR Program.

261:74-s Agreements with Electronic Vehicle Registration Integrators.

I. Upon approval of the attorney general and governor and council, the department may enter into an agreement with an electronic vehicle registration integrator to provide, at no cost to the state, any necessary hardware, software, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money. The electronic vehicle registration integrator shall be authorized in the agreement to collect and transfer funds electronically from the dealers to the department, towns, cities, or town clerks, where appropriate. RSA 261:141-b shall not apply to electronic transfers to or from an electronic vehicle registration integrator or a dealer agent. Electronic vehicle registration integrators shall transmit funds within one business day of the completion of the registration to the appropriate entity if the entity accepts electronic transfers of funds and within 20 days to any other entity. The transmittal of funds by an EVR integrator to a town or city or the state pursuant to this section shall not be considered a delegation of a town's, city's, or state's deposit function as set forth in RSA 41:29.

II. An agreement under this section shall provide for minimum standards established by the department and the department of informa-

tion technology for transfers of data and funds, financial solvency of the electronic vehicle registration integrator, training of dealer-agents, and town clerks, if necessary, by the electronic vehicle registration integrator, implementation of an electronic vehicle registration integrator "help line" to assist dealer agents, automatic and accurate calculation of all fees required by this chapter, electronic transmittal of applicable documents to the towns, cities, and state, bonding to indemnify the state, municipalities, and dealer agents in the event of loss, security, and privacy of motor vehicle records, access by state-appointed auditors to the records and reports of the electronic vehicle registration integrator, minimum standards for the accuracy and timeliness of submission of data and funds, reporting to the state, towns, or cities, transmittal of fees required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a vehicle provided said fees are transmitted to the appropriate entity in the manner set forth in this chapter, conditions for cancellation of the agreement, and the other requirements related to the efficient and economical administration of this subdivision. The reporting to the towns, cities, and state shall provide notice of registrations processed, allow proper and accurate collection and remittance of town or city moneys, allow integration of data and moneys into software used by towns and cities to transmit registration data to the state, allow towns and cities to clearly identify the particular fees collected and remitted, and provide vehicle specific data including the maker's list price, and vehicle make and model. The department shall solicit input from affected municipalities before entering into an agreement under this section.

III. To ensure the EVR integrator and dealer agents are accurately calculating the applicable fees and properly transmitting the fees and data, and that towns and cities may integrate the data and fees into the software used by towns and cities to transmit registration data to the state, the EVR program shall be implemented as follows:

(a) The first year of the EVR program shall involve a limited number of dealers and towns and cities as determined by the director and a single electronic vehicle registration (EVR) integrator to ensure that the EVR program is successfully implemented. The director shall select which towns, cities, and dealers shall participate during the first year from a list submitted to the director by the senate president and the speaker of the house of representatives within 60 days of the effective date of this section. The director shall select the participants after obtaining the input of the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association. The director shall select both large and small municipalities to participate and towns and cities that use software to transmit registration data to the state, with at least 2 towns or cities for each type of software.

(b) After the EVR program has operated for 270 days, the director shall seek formal input from the EVR advisory group established in paragraph IV and towns, cities, and dealer agents involved in the program as to whether or not the EVR integrator and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

(c) After the EVR program has operated for one year, the director shall incorporate the remaining towns and cities into the program and additional dealers may apply to become dealer agents unless the director, in consultation with the EVR advisory group established in paragraph IV determines that the EVR integrator has failed to materially comply

with the program requirements. If such a determination is made, the director shall delay the addition of towns and cities and dealers for up to 180 days to permit the EVR integration to materially comply with the program requirements.

(d) One year after the incorporation of the remaining towns and cities into the EVR program, the department may enter into agreements with additional EVR integrators.

(e) After the incorporation of all towns and cities into the EVR program, the director shall evaluate on a periodic basis, no less than annually, whether the EVR integrators and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

IV. The director shall form an EVR advisory group consisting of representatives from the department of information technology, the division of motor vehicles, the department of safety, the New Hampshire City and Town Clerks' Association, the New Hampshire Government Finance Officers Association, organizations representing the interests of town managers and administrators, the New Hampshire Municipal Association, the New Hampshire Local Government Information Network, the New Hampshire Automobile Dealers Association, the EVR integrators, and other persons the director deems necessary. The primary purpose of the EVR advisory group is to ensure that the EVR program meets the requirements in rules and law. The EVR advisory group shall meet at least quarterly.

V. The director shall periodically evaluate whether the EVR program affects registration-related assistance provided to towns and cities by the department.

6 Effective Date. This act shall take effect upon its passage.

2011-0807s

AMENDED ANALYSIS

This bill authorizes retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 156 Ought to Pass with Amendment. Senate Bill 156 as amended by the Committee will enable a comprehensive group of municipal stakeholders, Department of Safety, New Hampshire Auto Dealers, and technology experts to come together and create a process which, if successful, will allow New Hampshire residents to choose the most convenient place for them to register their newly-purchased vehicle: their town or city hall or the New Hampshire dealership where it was purchased. We all know the challenges being imposed on our local communities due to budget cuts, resulting in diminished hours town offices are open. Lines are long, data interchange problematic, and it results in making it more difficult for our residents to register their cars.

Virtually every state in America allows for auto registration at the dealership, and 27 states currently do so electronically. These dealers, through an electronic intermediary, securely and quickly electronically transmit the official local and state fees and data directly to the appropriate entity. SB 156 seeks to replicate the success in those states. In addition to a program that will provide modern convenience to our residents, this legislation will accomplish several other important tasks, including providing much-needed data enhancements to allow our law enforcement the ability to keep our friends and families safe, providing our local com-

munities with much-needed technological enhancements and efficiencies for completing their jobs and ensuring a separation between the state and local municipalities in the collection of tax revenue.

We have a unique opportunity on a public-private partnership where an outside firm is willing to come to this great state and provide all of the up front investment to help our state modernize this activity, which sees over 200,000 transactions annually. The creation of this program, the testing period, and, if ultimately successful, the ongoing operation, will be performed at no cost to the State or local communities.

We all understand this legislation is complex, and during the past three months, I have had the distinct pleasure of working closely with our Town Clerks Association, local town administrators, our New Hampshire Municipal Association, Department of Safety, and a host of others to craft a framework to move New Hampshire into the 21st century. I'd like to thank every one of these organizations for all their work to date and commit to keeping all of these stakeholders firmly in the loop to ensure they continue to have a seat at the table.

Please join the unanimous Commerce Committee and vote Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I understand that it's our earnest effort to make things easier, to streamline things, and to work together to make this happen. I just want it on record that many of the town clerks that I represent – there's a mixed message: one group is firmly in support, another group is opposed to this situation. And, their concern is how the transactions will take place and how the dollars will come to the communities in terms of the town tax.

So, there is a concern being manifested by a number of towns, and I think we should take that into consideration. I understand it's a pilot program; I'm going to support the issue. But, clearly there is sentiment and a little bit of anxiety expressed by some of the towns with regard to this, and I think we should note that as we move forward. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I do rise in support of this legislation after many, many discussions with the clerks and those users in my district, plus dealers, and bringing people together in a collaborative effort in the best interest of all. But, I do just want to make just one comment, and that is I do not believe that the intent of this bill was because of any part of the clerks were not doing their part. They have worked very hard, traditionally, on these registrations, and I just want to make that comment, that I think the clerks have done an outstanding job, and that the intent of this bill is not in any way reflective on their work, but in fact, my experience in gathering people together is that the clerks see this as a benefit to them, to business, to the dealers, and most important, to the consumers. So, I do support this legislation. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

Sen. Forrester is in opposition to the motion of Ought to Pass as Amended on SB 156-FN-LOCAL.

Without objection, President Bragdon has given Sen. Luther leave to use an electronic device to experiment with an online version of the Senators' Session Day binders.

SB 160-FN, relative to the definition and regulation of installment loans. Ought to Pass with Amendment, Vote 3-1. Senator Sanborn for the committee.

Commerce
March 8, 2011
2011-0705s
08/09

Amendment to SB 160-FN

Amend RSA 384-H:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Installment loan" or "loan" means a loan, advance of money, or extension of credit with a repayment term agreed to by the parties and not exceeding 180 days, including any loan transaction conducted via any medium whatsoever, including paper, facsimile, Internet, or telephone.

Amend RSA 384-H:4, II as inserted by section 1 of the bill by replacing it with the following:

II. No lender shall make an installment loan to a consumer if:

(a) The total of all loan payments for that loan coming due within the first calendar month of the loan exceeds the lesser of:

(1) \$1,000; or

(2) Thirty-five percent of the consumer's gross monthly income.

(b) The consumer has another outstanding installment loan with the lender.

Amend RSA 384-H:10, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner may conduct examinations of the books, records, and loan documents of a licensee after giving reasonable notice to the licensee.

Amend RSA 384-H:12, II (b)-(d) as inserted by section 1 of the bill by replacing it with the following:

(b) The requirements under RSA 384-H:13 are satisfied;

(c) The payment of the annual license fee required under paragraph IV; and

(d) The applicant has submitted such other information as the commissioner may reasonably deem necessary.

Amend the introductory paragraph of RSA 384-H:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A licensee shall pay an annual fee of \$450. In addition to the license fee, the reasonable expense of any examination or hearing by the commissioner under any provisions of this chapter shall be borne by the licensee. If a licensee fails to renew its license prior to its expiration, the license shall automatically expire; however, the commissioner, in his or her discretion, may reinstate an expired license upon:

Amend RSA 384-H:13 as inserted by section 1 of the bill by replacing it with the following:

384-H:13 Net Worth. Each applicant and licensee shall maintain a positive net worth at all times. Each applicant shall demonstrate that it has available for use in such business at each location specified in the ap-

plication, at least \$25,000, or in the case of a licensee, has such amount available or actually invested in loans made under this chapter at each location or has posted a continuous surety bond in the amount of \$25,000 in the form and under the terms determined by the commissioner.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 30 days after its passage.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 160-FN Ought to Pass with Amendment. Senate Bill 160-FN as amended by the Committee defines and regulates installment loans. Senate Bill 160-FN, as amended, opens an additional source of financing for New Hampshire residents who may currently have a difficult time securing short-term financial backing they need to keep a small business up and running, or a family with an unexpected expense that they may have difficulty addressing with current available financial resources.

Please join the Commerce Committee and vote Ought to Pass with Amendment on SB 160. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Because this may become a heated debate, I would like to rise in the honor of the former female Dean of the Senate, Sheila Roberge, to make a motion that the gentlemen may be allowed to remove their coats at any point during the course of our debate today.

PRESIDENT BRAGDON: Thank you, Senator Larsen. Without objection, the gentlemen will be allowed to remove their coats. Thank you, Senator Larsen, for reminding me of that.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to SB 160, as amended or otherwise. I was inclined to save us all some time and just say something like, "Please see my opposition from last week to Senate Bill 57, relative to regulation of title lenders," which, as you'll recall, included opposition based on the prudence of having an interest rate cap in statute, what was good for military servicemen and women being good for New Hampshire residents, a triple-digit effective APR, frequency of consumers rolling over these short-term products to propel them further into a debt trap, the wisdom of Rep. Kurk, and that the only businesses that will really profit are out-of-state ones. However, I decided I couldn't leave well enough alone, and so rise in opposition.

And, I'm perpetually hopeful that I can convince some additional of my colleagues, even those that supported a return of title loans, to balk at the idea of a return of payday lenders. And, what additional rationale can I provide, you may ask. The interest rate – number one – the interest rate can actually rise to over 400 percent APR – let me make sure I repeat that so that it's reflected in the record – that the interest rate on an APR basis can actually rise over 400 percent. The interest rate provision, page 2, line 26 of the original bill, allows 15.50 per 100 per installment; that translates to 403 percent annually, assuming the installment periods are 14 days, 26 times 15.50. It is unlikely that lenders are going to structure installment periods for anything other than the borrower's pay schedule, 14 days for many workers.

Two: This proposal virtually guarantees that people will be stuck in these loans for the maximum of 180 days. At least as far as I can tell, the lender has no incentive to offer loans with anything other than the 180-day term, because otherwise they have to wait two days in between the shorter

loans – see page 2, line 12. And, because the total finance charges get bigger and bigger the longer they're in the loan, at 180 days of indebtedness, with installment payments every 14 days, people will end up paying back over \$1,100 on a \$500 loan – \$1,100 on a \$500 loan. Hmm. The idea that someone who doesn't have \$500 on day one can afford an additional \$90 expense every two weeks for the next six months simply doesn't make sense, nor is it reasonable, in my opinion.

There was opposition, furthermore, from the Local Welfare Administrators Association that I think bears repeating. They were represented by Angela Martin-Giroux, the Berlin local welfare officer, who so eloquently reminded us that, "the local property taxpayers of the state are actually subsidizing the profitable practices of these predatory lenders."

Finally, I would argue that this creates a totally new product outside of the small loan law, and therefore merits at least further study before it is fast-tracked. I'll note that the amendment makes it effective 30 days after passage.

With that, Mister President, I thank you, and I'd ask for a roll call.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I think it'd be a good opportunity for this body to vote ITL, or bring forward some other direction for this bill with further study. From the good comments of Senator Houde, I believe it does need further looking at, and I'd appreciate it if the body would move along with that tenure so that we can look further at it; maybe we could re-refer it to committee, and that would be a good thing to do. Thank you very much, Mister President.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Mister President, I rise in support of this bill. The good Senator didn't mention it that in the provision of this bill, there are some safeguards for the consumer, where no loan can be approved for more than 35 percent of the consumer's gross income. So, there are some provisions in there that people that can't afford this loan can have them. So, there is some scrutiny. So, I would urge all of my colleagues to pass this bill. Thank you.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I would like to recognize and welcome the students from Cutler School in Swanzey, New Hampshire, these beautiful and outstanding young students and people who live in my community, and I'm so proud of them. And, welcome.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

Sen. Bradley moved to Table SB 160-FN.

The question is on the motion to Table. Adopted.

SB 162-FN, relative to federal health care reform 2010. Ought to Pass with Amendment, Vote 4-0. Senator White for the committee.

Commerce

March 8, 2011

2011-0704s

01/09

Amendment to SB 162-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Federal Health Care Reform. Amend RSA 400-A by inserting after section 66 the following new subdivision:

Federal Health Care Reform

400-A:67 Implementation of Public Law 111-152. The general court shall determine any policy regarding implementation of Public Law 111-152 if it is determined that the state of New Hampshire is required to implement such law. The insurance commissioner, or designee, shall develop recommendations in conjunction with the insurance reform oversight committee, established in RSA 400-A:68, prior to the enforcement of Public Law 111-152. In addition, any state official or agency that seeks to enforce the insurance provisions of Public Law 111-152 shall develop recommendations in conjunction with the oversight committee.

400-A:68 Joint Health Insurance Reform Oversight Committee Established.

I. There is established an oversight committee on health insurance reform consisting of 5 members as follows:

(a) Two members of the senate, appointed by the senate president.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. The terms of the members shall be for the biennium and shall be coterminous with their membership in the general court. The committee shall elect a chairman from its membership.

III. The committee shall provide legislative oversight, policy direction, and recommendations for legislation to implement Public Law 111-152 as it determines appropriate.

2 Effective Date. This act shall take effect July 1, 2011.

2011-0704s

AMENDED ANALYSIS

This bill establishes an oversight committee to implement Public Law 111-152, should it be determined that the state of New Hampshire is required to implement such law.

SENATOR WHITE: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 162-FN. Senate Bill 162, as amended by the Committee, will create a joint health insurance reform oversight committee to provide legislative oversight, policy direction, and recommendations for legislation to implement Public Law 111-152, as it determines appropriate. Public Law 111-152 refers to the Health Care and Education Reconciliation Act of 2010, which implements the recent federal health care reform.

Please join the unanimous Commerce Committee and vote Ought to Pass with Amendment on SB 162-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. White asserts Rule 2-15 on SB 162-FN.

Sen. White offered a floor amendment.

Sen. White, Dist. 9

March 14, 2011

2011-0853s

01/09

Floor Amendment to SB 162-FN

Amend RSA 400-A:68, II as inserted by section 1 of the bill by replacing it with the following:

II. The terms of the members shall be for the biennium and shall be coterminous with their membership in the general court. The committee shall elect a chairman from its membership. The committee shall meet at the call of the chairman who may call a meeting as often as necessary. Amend RSA 400-A:68 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. The committee shall make a report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the chairpersons of the house and senate committees having jurisdiction over commerce issues and the house and senate committees having jurisdiction over health and human services issues by October 1, 2011 and annually thereafter.

SENATOR WHITE: Thank you, Mister President. The purpose of this amendment is, after we did exec the bill out of Committee, it was pointed out to me by several people who looked at our bill that we did not do two things that were pretty necessary to do with this, since it is a study committee. Number one is, we did not make provisions for calling the committee together. And so, the first part of this amendment does just that; it says the committee will elect a chairman, and that the chairman, or that the committee shall meet at the call of the chairman, who may call a meeting as often as necessary. So, that's part one.

And then, the second part I failed to recognize originally was that the committee needs to make a report so that future Senate people who need to look at this and see what has been done will have some record of what occurred. And so, the second part of this amendment does just that; it provides for a report that will be provided on October 1st, 2011, and annually thereafter.

So, I would make a motion to move this amendment. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. White asserts Rule 2-15 on SB 162-FN.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 162-FN.

EDUCATION

SB 113, relative to nonpublic schools receiving public funds. Inexpedient to Legislate, Vote 3-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President, and good morning. I move Senate Bill 113 Inexpedient to Legislate. This legislation requires a nonpublic school to comply with all statutes and the Department of Education rules, which may apply to a public school which accepts funds.

This bill was designed to establish good policy without directly affecting any existing institutions. However, as the Committee listened to testimony and made inquiries with those testifying, there developed a sense that this legislation may inadvertently affect existing academies in the state, as well as special education funding.

This legislation would make sweeping changes with a broad stroke that is not pertinent at this time. Therefore, the Education Committee recommends that Senate Bill 113 be Inexpedient to Legislate and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Senate Education

March 8, 2011

2011-0714s

04/10

Amendment to SB 117

Amend the bill by replacing all after the enacting clause with the following:

1 Postsecondary Education Commission; Rulemaking Authority. Amend the introductory paragraph of RSA 188-D:8-a to read as follows:

188-D:8-a Rulemaking Authority. The executive director[, ~~in consultation with the postsecondary education commission,~~] shall adopt rules pursuant to RSA 541-A relative to:

2 Regulation of Private Postsecondary Career Schools; Definitions; Exclusions. RSA 188-D:19 is repealed and reenacted to read as follows:

188-D:19 Definitions; Exclusions.

I. The following definitions shall apply in this subdivision except as otherwise provided:

(a) "Alternative delivery" means a mode of instruction, which does not involve face-to-face instruction between instructor and student in the same geographic location. This mode of instruction shall include Internet, televised, video, telephonic, and correspondence media.

(b) "Entity" means any individual, firm, partnership, association, corporation, organization, trust, school, or other legal entity or combination of these entities.

(c) "Executive committee" means the executive committee of the postsecondary education commission as defined in the postsecondary education commission bylaws.

(d) "Executive director" means the executive director of the postsecondary education commission, or designee.

(e) "Instructor" means any person who teaches, trains, or educates students.

(f) "Occupational" means related to an occupation or vocation.

(g) "Physical presence" means any physical location, place of contact, telephone exchange, or mail drop in this state, and if an individual is conducting one or more of the following activities within this state:

- (1) Advertising.
- (2) Solicitation of potential students.
- (3) Enrollment of students.
- (4) Providing student services.
- (5) Student mentoring.
- (6) Instruction of students.

(h) "Private postsecondary career school" means any for-profit or nonprofit, non-degree granting, postsecondary career entity maintaining a physical presence in this state and providing vocational or occupational education or training for tuition or a fee to the public. Private and postsecondary career schools that offer resident or non-resident programs, including programs using modes of alternative delivery, beyond the secondary school level to the public shall be included in this definition regardless of the fact that the school's tuition and fees from education and training programs constitute only a part of the school's revenue.

(i) "Student" means any person enrolled in a course or program at a private postsecondary career school.

(j) "Vocational" means related to an occupation or vocation.

II. "Private postsecondary career school" shall not include barbering or cosmetology schools, schools offering training that has been approved by a state agency with appropriate jurisdiction over such training, including but not limited to the plumber's board, the electrician's board, the office of the state fire marshal, the division of fire standards and training and emergency medical services, and schools providing federally-required flight or ground instruction to students.

3 Private Postsecondary Career Schools; Licenses and Fees. Amend RSA 188-D:20 to read as follows:

188-D:20 Licenses and Fees.

I. Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the executive director to determine if the entity requires a license. The executive director~~[-in consultation with the postsecondary education commission]~~ shall establish procedures to accomplish this review.

II. ~~[A]~~ **Any** private postsecondary career school maintaining a physical presence in this state **and which assesses tuition or fees for providing vocational or occupational training** shall register to obtain a license or license renewal from the postsecondary education commission. The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director~~[-in consultation with the postsecondary education commission]~~. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

III. A school that is not required to obtain a license may apply for a license and, upon issuance of the license, shall be subject to the provisions of RSA 188-D:19 through RSA 188-D:28. Such school may voluntarily surrender its license and revert to its original status.

IV. The executive director~~[-in consultation with the postsecondary education commission]~~ shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

V. A private postsecondary career school which the executive director has determined requires a license shall, prior to the issuance of a license, comply with RSA 188-D:20, RSA 188-D:20-a, and RSA 188-D:20-b.

4 Private Postsecondary Career Schools; Surety Indemnification. Amend RSA 188-D:20-a, IV(b) to read as follows:

(b) A term deposit account held in the state treasury, payable to the postsecondary education commission, shall be held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the postsecondary education commission. ~~[Any interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing.]~~ **The licensee, subject to the approval of the executive director, may replace the term deposit with either a bond or an irrevocable letter of credit. After receipt of the appropriate indemnification, the term deposit plus any accrued interest shall be returned to the licensee.** Should the licensee for any

reason, while not in default, discontinue operation, all moneys on deposit, including any interest, shall be released to the appropriate school subject to the approval of the executive director.

5 Private Postsecondary Career Schools; Student Tuition Guaranty Fund. Amend RSA 188-D:20-b to read as follows:

188-D:20-b Student Tuition Guaranty Fund.

I.(a) A student tuition guaranty fund is hereby established within the postsecondary education commission and shall be administered by the executive director.

(b) The fund shall be funded from an annual fee to be established by the executive director and assessed against each school duly licensed by the postsecondary education commission and all applicants for a license under RSA 188-D:20.

(c) The funds shall be placed in an interest-bearing account in the office of the state treasurer and the state treasurer shall deposit all interest earned on the funds into the account. ***These funds shall be nonlapsing and continually appropriated to the postsecondary education commission.***

(d) The fund shall be used to reimburse students when a school has failed to faithfully perform its contractual obligations for tuition and instructional fees, in the event of a school closing, and the expense of investigating and processing the claims. ~~[The owner of]~~ A school which fails to perform its contractual obligations shall be ~~[personally]~~ liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

(e) A school's surety bond, irrevocable letter of credit, or other approved form of indemnification shall be exhausted prior to the use of any funds from the student tuition guaranty fund.

II. The executive director~~[-in consultation with the postsecondary education commission]~~ shall adopt rules, pursuant to RSA 541-A, relative to the administration and maintenance of the fund.

III. The executive director may establish guidelines for exempting schools from providing surety indemnification and from paying into the student tuition guaranty fund, provided the executive director determines that there are sufficient funds in the student tuition guaranty fund for disbursement in the event of a school closure. The executive director shall not grant such an exemption to any school until the school has paid into the student tuition guaranty fund for at least 5 years and is in good standing with the postsecondary education commission. An exemption granted to a school may be revoked if the executive director determines that the student tuition guaranty fund balance is insufficient for disbursement in the event of a school closing.

6 Regulation of Private Postsecondary Career Schools; Revocation. Amend RSA 188-D:22 to read as follows:

188-D:22 Revocation; Hearing. The executive committee~~[-in consultation with the postsecondary education commission]~~ may, after due notice and hearing, revoke the license of any school licensed pursuant to RSA 188-D:20 for violating the provisions of this subdivision or rules adopted hereunder. The provisions of RSA 541 shall apply to actions taken pursuant to this section.

7 Private Postsecondary Career Schools; Use of Fees. Amend RSA 188-D:25 to read as follows:

188-D:25 Use of Fees. Notwithstanding any provision of law to the contrary, all license fees collected under the provisions of this subdivision

shall be ~~[retained by]~~ ***deposited in a nonlapsing account within the postsecondary education commission which shall be continually appropriated*** to the commission for use in meeting the expenses of administering this subdivision.

8 Regulation of Private Postsecondary Career Schools; Rulemaking. Amend RSA 188-D:26 to read as follows:

188-D:26 Rulemaking Authority. The executive director ~~[in consultation with the postsecondary education commission]~~ shall adopt such rules, pursuant to RSA 541-A, as may be necessary in order to carry out the provisions of this subdivision.

9 Repeal. The following are repealed:

I. 2004; 190:6, relative to the contingent repeal of the surety indemnification to be provided by private postsecondary career schools.

II. 2004; 190:7, relative to the written certification required for the contingent repeal in 2004; 190:6 to take effect.

10 Effective Date. This act shall take effect 60 days after its passage.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 117 Ought to Pass as Amended. This legislation makes significant changes to private postsecondary career schools and the tuition guaranty fund.

First, it simplifies the definition of a private postsecondary career school to encompass all of the current exemptions. Second, it eliminates the double indemnification requirement, so schools who have contributed to the guaranty fund for five years cease double payments with bonding and provide the Executive Director with the authority to exempt schools from said indemnification. Finally, it provides a housekeeping change by clearly stating that the statute supports for the dedicated fund without general funds.

SB 117 was amended to provide clear language that the Executive Director would have sole authority over indemnification exemptions. The amendment also ensures that this legislation doesn't adversely affect any existing RSA's. Therefore, the Education Committee recommends that Senate Bill 117 Ought to Pass as Amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

Sen. Stiles moved to Table SB 117.

The question is on the motion to Table. Adopted.

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Senate Education

March 8, 2011

2011-0713s

04/10

Amendment to SB 192

Amend RSA 189:66, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) One teacher who is a member of the National Education Association-New Hampshire, appointed by the executive director of the association.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 192 Ought to Pass as Amended. This legislation establishes a commission for the purpose of identifying strategies to deliver a 21st century education.

This bill would bring together a diverse group of individuals to the table to work toward a goal that is universally accepted: to identify what a 21st century education looks like. The members of this commission would develop strategies for implementation, compensation, and financing, to ensure that the focus of education in New Hampshire is mastery of competencies rather than seat time.

The amendment is to ensure that the union representation to the commission is a current teacher. It is important to have representation on the commission from teachers who see real classroom experience and witness the issues.

Therefore, the Education Committee recommends that Senate Bill 192 Ought to Pass as Amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. Ought to Pass, Vote 3-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 194 Ought to Pass. This legislation transfers all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

Senate Bill 194 was drafted as the final piece of legislation resulting from a bill passed in the 2007 legislative session that made the university system self-governing. This transfer of property legislation was written using the language from when Keene State College and Plymouth State University were transferred to the university system.

Therefore, the Education Committee recommends that Senate Bill 194 be moved Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Carson asserts Rule 2-15 on SB 194.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider SB 194, the bill having been previously adopted. Adopted.

Sen. Carson asserts Rule 2-15 on SB 194.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

March 11, 2011

2011-0809s

04/09

Floor Amendment to SB 194

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2011.

SENATOR STILES: This amendment is necessary because it changes the date from "upon passage" to July 1, 2011, specifically to coincide with insurance coverage.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Carson asserts Rule 2-15 on SB 194.

The question is on the motion of Ought to Pass as Amended.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: I'm not sure if this comes into play, but does this have any negative impact on the sale of the Stratham building?

PRESIDENT BRAGDON: Is that a question for Senator Stiles?

(The Chair recognized Sen. Stiles.)

SENATOR STILES: I was informed by the community colleges that this was important to take place; it would complete the last piece of transfer, and it was after the bill was exec-ed that we realized that the date needed to be changed to coincide for insurance purposes, to protect all of that. But, as far as the transfer of the community college in Portsmouth, it should be complete with this.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: We've been trying to sell the Stratham campus...

Sen. D'Allesandro moved to Table SB 194.

The question is on the motion to Table. Adopted.

Sen. Carson asserts Rule 2-15 on SB 194.

ENERGY AND NATURAL RESOURCES

SB 84-FN, relative to state regulation of the septic system installation process. Re-refer to committee, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 84 be re-referred to committee. Senate Bill 84 is legislation relative to state regulation of the septic system installation process. The intent of the bill is to transfer the authority to approve septic system design and installations from the Department of Environmental Services to municipalities.

DES has a solid system that is working, and in order to make certain that this proposal does not have unintended consequences, we need to make sure this bill is fully examined. Re-referral will allow work on the bill, which will be fully vetted and ready for discussion by the full Senate in January of next year.

So, I respectfully request that the Senate support the Committee's recommendation to be re-referred to committee on Senate Bill 84. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 105, excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 10, 2011

2011-0787s

10/05

Amendment to SB 105

Amend the title of the bill by replacing it with the following:

AN ACT exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

Amend the bill by replacing all after the enacting clause with the following:

1 Bureau of Trails; Responsibilities; Highway Trail Crossings. Amend RSA 215-A:3, VI to read as follows:

VI. The supervisor of the bureau shall receive all written requests from persons applying for permission to establish a highway trail crossing or trail connector on any class I, class II or class III highway for any OHRV trail or cross country ski trail on which an OHRV trail maintenance vehicle may operate. The requests shall be submitted by the supervisor to the commissioner of the department of transportation or the commissioner's representative for the department's approval or disapproval. If approval is granted, the commissioner of the department of transportation may post the area with appropriate signs designating the location of the trail crossing or trail connector and providing signs for both sides of the highway at an appropriate distance from the crossing or trail connector to warn the motoring public of said crossing or trail connector. ***Highway trail crossing requests and approvals under this paragraph shall be exempt from the provisions of RSA 215-A:42 and RSA 215-A:43.***

2 Effective Date. This act shall take effect upon its passage.

2011-0787s

AMENDED ANALYSIS

This bill clarifies that highway trail crossings received by the bureau of trails and approved by the department of transportation are exempt from the evaluation process required in establishing certain state trails for ATVs and trail bikes.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 105 Ought to Pass with Amendment. Senate Bill 105 as introduced clarifies the exception of the Department of Transportation property used for rail crossings or connector permits, and for the change in use designations for all-terrain vehicles and trail bikes from the evaluation process required in establishing certain state trails.

The amendment solves issues that were presented by limiting the exemption from evaluation requirements of the Department of Transportation to just highway trail crossings.

I respectfully ask that the Senate support the Committee's recommendation of Ought to Pass with Amendment on SB 105.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 106, naming the visitor center at Jericho Mountain state park for Robert Danderson. Ought to Pass, Vote 3-0. Senator Gallus for the committee.

SENATOR GALLUS: Thank you, Mister President. I move Senate Bill 106 Ought to Pass. Senate Bill 106 names the visitors' center at Jericho Mountain state park for Robert Danderson.

"Mayor Bob" is a true proponent for the North Country. He served the City of Berlin through some of its toughest times. As Mayor, he shepherded us through the mill closings and outmigration of many residents. He almost singlehandedly brought Berlin a federal prison with over 300 jobs.

In respect to the bill, he was the key individual in bringing to fruition the Jericho Mountain state park. His enthusiastic spirit, fortitude, and vocal opinions were heard in Concord on almost a daily basis until Jericho

state park was created. While Mayor, his leadership resulted in Jericho Lake and over 200 acres being given to the state park system. Further, the visitors' center is being constructed by the Berlin High School building trades program, which originally received funding from none other than Mayor Bob Danderson. Bob still rides in Jericho Mountain state park to this day, and naming the visitors' center after him will be one way New Hampshire can honor someone who truly loves his community and the State of New Hampshire.

That being said, I respectfully request the Senate support the Committee's recommendation on Senate Bill 106, and I thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services. Re-refer to committee, Vote 5-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move that Senate Bill 142 be re-referred to committee. Senate Bill 142 would reorganize the permitting process within the Department of Environmental Services. This bill establishes an integrated land development permit option, a key feature of which is early communication and collaboration among stakeholders in a pre-application process. The bill would also establish a position of ombudsman within DES to facilitate this new permitting approach.

This is an important piece of legislation for permit applicants, departmental personnel, and those interested in regulatory efficiency, as well as environmental protection. Re-referral will afford the Committee and interested parties the time to carefully construct this new permit option.

Please join the Energy and Natural Resources Committee in voting SB 142 re-refer to committee. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 154-FN, reforming the comprehensive shoreland protection act. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 10, 2011

2011-0788s

06/09

Amendment to SB 154-FN

Amend the title of the bill by replacing it with the following:

AN ACT reforming and renaming the comprehensive shoreland protection act.

Amend the bill by replacing all after the enacting clause with the following:

1 Shoreland Water Quality Protection Act. Amend the chapter heading of RSA 483-B to read as follows:

CHAPTER 483-B

[COMPREHENSIVE] SHORELAND **WATER QUALITY** PROTECTION ACT

2 Shoreland Water Quality Protection; Minimum Standards Required. Amend RSA 483-B:2, IX to read as follows:

IX. Control building sites, placement of structures, and land uses *that may potentially damage the public waters.*

3 Minimum Standards Required. Amend RSA 483-B:2, XV to read as follows:

XV. Anticipate and respond to the impacts of development in shoreland areas *to the extent they may potentially damage the public waters*.

4 Definitions. Amend RSA 483-B:4, VII-b to read as follows:

VII-b. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, *and unless designed to effectively absorb or infiltrate water*, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways [~~unless designed to effectively absorb or infiltrate water~~]

VII-c. "Horticultural professional" means any arborist, landscape architect, or gardening consultant whose function is that of providing services relative to horticulture.

5 Definitions. Amend RSA 483-B:4, X-b to read as follows:

X-b. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. [~~Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders.~~] Natural ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

6 Definitions. Amend RSA 483-B:4, XIII to read as follows:

XIII. "Primary building line" means a setback for primary structures of [~~at least~~] 50 feet from the reference line.

7 Definitions. Amend RSA 483-B:4, XV to read as follows:

XV. "Protected shoreland" means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, *except private garden water features and ponds of less than 10 acres*, and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.

8 Definitions. Amend RSA 483-B:4, XVIII to read as follows:

XVIII. "Removal or removed" means girdled, felled, [~~killed, or~~] cut, sawed, pruned, pushed over, buried, burned, or any other activity conducted to the extent that it otherwise [~~destructively alters or altered~~] *kills* the vegetation.

9 Definitions. Amend RSA 483-B:4, XVIII-c to read as follows:

XVIII-c. "Replace in kind" means the substitution of a new structure for an existing legal structure, whether in total or in part[, ~~with no change in size, dimensions, footprint, interior square footage, and location, with the exception of changes resulting in an increase in the setback to public waters~~].

10 Definitions. Amend RSA 483-B:4, XX-a to read as follows:

XX-a. "Shoreland frontage" means the [~~average of the distances of the actual natural shoreline footage and a straight line drawn between property lines~~] *actual shoreland frontage along the water front measured at the reference line*.

11 Definitions. Amend RSA 483-B:4, XXII to read as follows:

XXII. "Structure" means anything constructed or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind, with a fixed *permanent* location on or in the ground, exclusive of fences.

12 Definitions. Amend RSA 483-B:4, XXIV-b to read as follows:

XXIV-b. "Unaltered state" means [~~native~~] vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed [~~to maintain the health of the plant being trimmed, as allowed by rules of the department~~] **for plant health, normal maintenance, and renewal.**

13 Enforcement by Commissioner; Duties; Woodland Buffer. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his *or her* designee may, for cause, enter upon any *subject* land or parcel at any reasonable time **after written notification and with prior permission of the owner** to perform oversight and enforcement duties provided for in this chapter.

14 Permit Required; Exemption. Amend RSA 483-B:5-b, I to read as follows:

I.(a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. ***For projects which have no impact on water quality and which follow department rules, the applicant shall qualify for a permit by notification. The owner may proceed with the proposed project immediately upon receipt of written notice from the department that a complete and appropriate notification has been received by the department. A notification shall be complete and appropriate provided it meets or exceeds all of the minimum standards under RSA 483-B:9, includes a notification form signed by the owner of property, the name and address of the property owner, the address of the site on which the work will occur, the name of the jurisdictional waterbody, the tax map and lot number on which the proposed work will occur, plans clearly and accurately depicting the work to be completed relative to the reference line of the jurisdictional waterbody, photographs of the area to be impacted, and identification of those project criteria listed below that would qualify the project for a permit by notification. Such project criteria shall include:***

(1) Construction, excavation, and filing, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area.

(2) Construction, excavation, and filling, directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects.

(3) Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.

(4) Any similar activities defined as qualified for a permit by notification by rules of the department.

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

(1) For projects that qualify for permit by notification under RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

(2) For projects of 0-9,999 square feet, ***that do not qualify for a permit by notification***, \$750.

(3) For projects of 10,000-24,999 square feet, \$1,875.

(4) For projects of 25,000 square feet or more, \$3,750.

(c) If the application is denied after relying on the recommendations of the department, the application fee shall be refunded to the applicant within 30 days of such denial.

15 New Paragraph; Permit Required; Exemption. Amend RSA 483-B:5-b by inserting after paragraph IV-a the following new paragraph:

IV-b. No permits issued by the department pursuant to this chapter that involve private, non-federal undertakings shall require coordination with or clearance by the New Hampshire division of historical resources.

16 Permit Required; Exemption. Amend RSA 483-B:5-b, V to read as follows:

V.(a) Within 30 days of receipt of an application for a permit or ~~[75]~~ **30** days of receipt of an application for a permit that will require a ~~[variance of the minimum standard of RSA 483-B:9, V or a]~~ waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information **reasonably** required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within ~~[60]~~ **120** days of the request, the department shall deny the application.

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within ~~[30]~~ **20** days of the department's receipt of the information:

(1) Approve the application~~[-, in whole or in part,]~~ and issue a permit; or

(2) Deny the application, and issue written findings in support of the denial; or

(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or ~~[75]~~ **30** days of receipt of an application for a permit that will require a ~~[variance of the minimum standard of RSA 483-B:9, V or a]~~ waiver of the minimum standards of RSA 483-B:9~~[-]~~;

~~[(1)]~~ approve or deny the application~~[-, in whole or in part, and issue a permit; or~~

~~(2) Deny the application, and issue]~~ **with** written findings in support of the ~~[denial; or~~

~~(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant]~~ **decision.**

(d) Within 5 business days of receipt of a permit by notification filing the department shall issue a written notice to the property owner or agent stating that the notification has either been accepted or rejected.

~~[(d)]~~ **(e)**(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

(A) Approve the application, in whole or in part, and issue a permit; or

(B) Deny the application and issue written findings in support of the denial.

(3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph (d)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

[(e)] (f) All applications filed in accordance with the rules adopted by the department under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and a permit shall be issued.

[(f)] (g) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

[(g)] (h) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

17 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

(d) No fertilizer, except limestone, shall be applied to vegetation or soils located within 25 feet of the reference line of any public water. **Beyond 25 feet, limestone or any fertilizer containing low phosphate[;] and slow release nitrogen [fertilizer or limestone;]** may be used [~~on areas beyond 25 feet from the reference line~~].

18 Minimum Shoreland Protection Standards. RSA 483-B:9, V(a) through V(b)(2)(A)(ii) is repealed and reenacted to read as follows:

(a) Maintenance of a Waterfront Buffer.

(1) The waterfront buffer shall be those protected shorelands within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design.

(2) Within the waterfront buffer all of the following prohibitions and limitations shall apply:

(A) No chemicals, including pesticides or herbicides of any kind shall be applied to ground, turf, or established vegetation except if applied by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).

(B) Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A or RSA 483-B:11, II or unless rocks are removed to improve runoff control or the planting in the waterfront buffer, and stumps that are removed are replaced with pervious surfaces, new trees, or other woody vegetation.

(C) No natural ground cover shall be removed except as necessary for a foot path to water and access ways as provided under RSA 483-B:9, V(a)(2)(D)(ix), for normal maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in height for the purpose of providing a view, to provide access to natural areas or shoreline, or as specifically approved by the department, pursuant to RSA 482-A or RSA 483-B.

(D) Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 by 50 foot segments. Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs (i) through (ix).

(i) Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper Score

1 to 3 inches – 1

3 to 6 inches – 5

6 to 12 inches – 10

12 to 24 inches – 15

Greater than 24 inches – 25

(ii) Shrubs and groundcover plants shall be scored as follows:

Four square feet of shrub area – 1 point.

Ground cover planted in the form of sod or mat – one point for every 50 square feet.

Shrub and groundcover shall not count for more than 25 points in each full segment.

(iii) Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

(iv) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees, saplings, shrubs, and groundcover

(vegetation) may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non-invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

(v) The department shall approve applications pursuant to RSA 482-A or RSA 483-B that include the planting of trees, saplings, shrubs, and groundcover as necessary to at least maintain either the existing point score or the minimum score required. The department shall not approve any application that would result in a combined vegetation score of less than the minimum score required where the segment initially meets the minimum score or would result in any reduction of the point score where the segment does not initially meet the minimum score.

(vi) Owners of lots and holders of easements on lots that were legally developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns, gardens, landscaped areas, beaches, and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures within the waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraph (g)(2) or (g)(3), or RSA 483-B:11, II.

(vii) Normal trimming, pruning, and thinning of branches to the extent necessary to maintain the health of the planted area as well to protect structures, maintain clearances, and provide views is permitted provided such activity does not endanger the health of the plant.

(viii) When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed. On those properties accessible only by water, this access path may be maintained provided it is stabilized with a surface that will infiltrate stormwater. On other properties the access path shall be completely restored and replanted with vegetation upon completion of construction except as allowed under subparagraph (ix).

(ix) A permanent 6-foot wide foot path as well as access to any docks, beaches, structures, existing open areas, and the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, are allowed.

(b) Maintenance of a Natural Woodland Buffer.

(1) A natural woodland buffer shall be maintained within 150 feet of the reference line. The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a). The purpose of the natural woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer of a given lot the vegetation, except lawn, within at least 25 percent of the area outside the waterfront buffer shall be maintained unaltered or improved with additional vegetation. Owners of lots legally developed or landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area to be maintained in an unaltered state. The percentage of area maintained in an unaltered state on nonconforming lots shall not be decreased.

19 Impervious Surfaces. Amend RSA 483-B:9, V(g) to read as follows:

(g) Impervious surfaces.

(1) ~~[Subject to subparagraph (2);]~~ No more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, ***unless a stormwater management system designed and certified by a professional engineer that will not concentrate stormwater runoff or contribute to erosion is implemented.***

(2) If the impervious surface area will exceed 20 percent, a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17.

(3) If the impervious surface area will exceed ~~[20]~~ **30** percent and the ~~[natural]~~ tree, ~~[and]~~ sapling ~~[cover]~~, ***shrub, and groundcover*** in the waterfront buffer does not meet the ~~[50-point minimum]~~ ***point score requirement*** of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with ~~[native]~~ trees, saplings, ***shrubs***, or ~~[natural ground cover]~~ ***groundcover*** in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V(a).

20 Waivers. Amend RSA 483-B:9, V(i) to read as follows;

(i) The commissioner shall have the authority to grant ~~[variances]~~ ***waivers*** from the minimum standards of this section. Such authority shall be exercised ~~[subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)]~~ ***if the commissioner deems that strict compliance with the minimum standards of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state. Waivers shall also be granted to accommodate the reasonable needs of persons with disabilities.***

21 Nonconforming Lots of Record. Amend RSA 483-B:10, I to read as follows:

I. Except when otherwise prohibited by law, present and successive owners of an individual undeveloped lot may construct a single family residential dwelling ***and appurtenant accessory structures*** on it, notwithstanding the provisions of this chapter. Conditions may be imposed which, in the opinion of the commissioner, more nearly meet the intent of this chapter, while still accommodating the applicant's rights.

22 New Paragraph; Nonconforming Lots of Record; Merger. Amend RSA 483-B:10 by inserting after paragraph II the following new paragraph:

III. Consistent with RSA 674:39-a, a municipality shall not merge adjacent nonconforming lots in common ownership without the consent of the owner.

23 Nonconforming Structures. RSA 483-B:11 is repealed and reenacted to read as follows:

483-B:11 Nonconforming Structures.

I. Except as otherwise prohibited by law or applicable municipal ordinance, nonconforming structures located within the protected shoreland may be repaired, replaced in kind, reconstructed in place, altered, or expanded. Repair, replacement-in-kind, or reconstruction in place may alter or remodel the interior design or existing foundation of the nonconforming structure, but shall result in no expansion or relocation of the existing footprint within the waterfront buffer. However, alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer, provided the structure is not extended closer to the reference line and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property.

II. For the purposes of this section, a proposal that is "more nearly conforming" means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the design standards of this chapter. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of structural footprints, enhancing stormwater management, adding infiltration areas and landscaping, upgrading wastewater treatment, improving traffic management, or other enhancements that improve wildlife habitat or resource protection.

III. An expansion that increases the sewerage load to an onsite septic system, or changes or expands the use of a septic system, shall require a subsurface approval issued by the department.

IV. Under paragraph I, and except as otherwise prohibited by law or applicable municipal ordinance, primary nonconforming structures may be entirely demolished and reconstructed, with continued encroachment into the waterfront buffer, provided the replacement structure is located farther back from the reference line than the preexisting nonconforming structure.

24 Rulemaking. Amend RSA 483-B:17, IV to read as follows:

IV. Procedures and criteria for the size[;] **and** placement[~~;-and construction~~] of small accessory structures such as storage sheds and gazebos, which are consistent with the intent of this chapter, between the reference line and the primary building line.

25 Penalties. RSA 483-B:18, III is repealed and reenacted to read as follows:

III. Persons violating the provisions of this chapter and damaging the public waterway who, after notification by the department, fail to make a good faith effort at remediation and restoration shall be subject to the following:

(a) Upon petition of the attorney general or of the municipality in which the violation occurred, the superior court may levy upon any person violating this chapter a civil penalty in an amount not to exceed \$5,000 for each continuing violation. The superior court shall have jurisdiction to restrain a continuing violation of this chapter, and to require remediation.

(b) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil penalties under this chapter.

(c) Notwithstanding the \$5,000 fine limit in subparagraph (b), the administrative fine for each repeat violation of this chapter may be multiplied by a factor of 2 for every previous violation committed by the person or entity.

26 New Paragraph; Shoreland Advisory Committee. Amend RSA 483-B:21 by inserting after paragraph VII the following new paragraph:

VIII. Any permit applications denied under any section of this chapter shall be reported to the shoreland advisory committee by the department.

27 Permit Application Fees; Effective Date. Amend 2008, 5:28, II to read as follows:

II. *Paragraph I of* section 27 of this act shall take effect July 1, [2011] **2016**.

28 Definitions. Amend RSA 483-B:4, XVII(a) to read as follows:

(a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies subject to the [Comprehensive] shoreland **water quality** protection act as maintained by the department.

29 Shoreland Advisory Committee. Amend the introductory paragraph of RSA 483-B:21 to read as follows:

There is established a shoreland advisory committee. All members shall be New Hampshire residents representing diverse geographic areas of the state. The primary focus of this committee is to address residential shorefront owner input and perspective relating to shoreland development regulated under the [comprehensive] shoreland **water quality** protection act under this chapter and the regulation of shoreline structures under RSA 482-A.

30 Approval to Increase a Load on a Sewage System. Amend RSA 485-A:38, II-a(c) to read as follows:

(c) When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the [comprehensive] shoreland **water quality** protection act, RSA 483-B.

31 Repeal. RSA 483-B:9, V(c)(1), relative to subdivision of land within the protected shoreland, is repealed.

32 Effective Date.

I. Section 27 of this act shall take effect June 30, 2011.

II. The remainder of this act shall take effect 60 days after its passage.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 154 Ought to Pass with Amendment. This bill makes extensive changes and renames the Comprehensive Shoreland Protection Act. The legislation seeks to meet the goals of protecting water quality, the shoreland environment, while maintaining traditional property rights.

SB 154 as amended comes before the Senate after much deliberation and examination between all stakeholders who produced this legislation, which seeks to create a clear, complete approach to reforming the act. I would note that some of the organizations that worked on and support this act are the New Hampshire Lakes Association, the Homebuilders Association, as well as organizations dedicated to personal property rights, and has the support of the Department of Environmental Services.

The proposed title change to the shoreland water quality protection act is just one example of the way this legislation seeks to bring clarity and improvements to enhance the act while not weakening the provisions that have helped make New Hampshire's water quality what it is today.

I respectfully request that the Senate support the Committee's recommendation of Ought to Pass with Amendment on SB 154. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley asserts Rule 2-15 on SB 154-FN.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

Sen. Bradley asserts Rule 2-15 on SB 154-FN.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 75-FN, relative to notification by the retirement system to the department of administrative services of law and rule changes; the availability of public documents of the retirement system; and clarification of part-time service. Inexpedient to Legislate, Vote 3-1. Senator White for the committee.

Sen. White moved to Table SB 75-FN.

The question is on the motion to Table. Adopted.

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 9, 2011

2011-0759s

09/01

Amendment to SB 152-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Members of the General Court; Insurance Participation. Amend RSA 14-A:6 by inserting after paragraph II the following new paragraphs:

III. The commissioner of the department of administrative services shall invoice and collect amounts due from members. Collected amounts shall be deposited in the employee and retiree benefit risk management fund.

IV. Failure to remit payment for participation pursuant to paragraph I of this section in full within 30 days of billing shall be grounds for terminating benefits, effective with the beginning of the billing period. Reenrollment shall be dependent upon payment of outstanding participation or other amounts.

V. Failure to remit payment in full for participation pursuant to paragraph II of this section within 30 days of billing shall be grounds for permanently terminating benefits effective upon the beginning of the billing period.

2 Effective Date. This act shall take effect 60 days after its passage.

2011-0759s

AMENDED ANALYSIS

This bill allows the department of administrative services to invoice and collect payment for participation in the group insurance plan by members of the general court.

Recess. Out of recess.

SENATOR CARSON: Thank you, Mister President, and please accept my apologies for being a little unorganized this morning.

Thank you, Mister President. I move Senate Bill 152-FN Ought to Pass with Amendment. Senate Bill 152-FN allows the Commissioner of the Department of Administrative Services to invoice and collect payment for participation in the group insurance plan by members of the General Court.

The amendment to Senate Bill 152-FN was brought forward to give the Commissioner of the Department of Administrative Services the authority for terminating group insurance benefits, which is not expressly current in law.

The ED&A Committee voted unanimously in favor, 5-0. Therefore, we ask for your support in the adoption of Senate Bill 152-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 8, 2011

2011-0719s

10/01

Amendment to SB 153-FN

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Definitions. Amend RSA 310-B:2 by inserting after paragraph XV the following new paragraphs:

XVI. "Agency" means the New Hampshire real estate appraiser board, which is responsible for registering appraisal management companies under this act.

XVII. "Appraisal" means the practice of developing an opinion of the value of real property in conformance with the Uniform Standards for Professional Appraisal Practice as developed by the Appraisal Foundation.

XVIII. "Appraisal management company" means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any external third party authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of, or other principal in, the secondary mortgage markets:

(a) To recruit, select, and retain appraisers;

(b) To contract with licensed and certified appraisers to perform appraisal assignments;

(c) To manage the process of having an appraisal performed, including providing administrative duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed; or

(d) To review and verify the work of appraisers.

XIX. "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment, except that a Quality Control Examination of an appraisal report shall not be an appraisal review.

XX. "Appraiser" means an individual who holds a license or certification as an appraiser and is expected to perform valuation services competently and in a manner that is independent, impartial, and objective.

XXI. "Appraiser panel" means a group of licensed or certified independent appraisers that have been selected to perform appraisal services for a third party.

XXII. "Controlling person" means:

(a) An officer director, or owner of greater than a 10 percent interest, of a corporation, partnership or other business entity, seeking to act as an appraisal management company in this state; or

(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of services requiring registration as an appraisal management company and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

XXIII. "Person" means an individual, firm, partnership, limited partnership, limited liability company, association, corporation, or other group engaged in joint business activities, however organized.

XXIV. "Quality Control Examination" is an examination of an appraisal report for compliance and completeness including grammatical, typographical, or other similar errors.

XXV. "Uniform Standards of Professional Appraisal Practice" (USPAP) means the current standards of the appraisal profession, developed for appraisers and users of appraisal services by the Appraisal Standards Board of the Appraisal Foundation.

Amend the bill by inserting after section 7 the following and renumbering the original sections 8-19 to read as 9-20:

8 New Sections; Registration of Appraisal Management Companies.
Amend RSA 310-B by inserting after section 12-a the following new sections:

310-B:12-b Registration of Appraisal Management Companies.

I. It is unlawful for a person to directly or indirectly engage in or attempt to engage in business as an appraisal management company or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the agency under the provisions of this chapter.

(a) An applicant for registration as an appraisal management company in this state shall submit to the agency an application on a form or forms prescribed by the agency.

(b) In the event a registration process is unavailable upon the effective date of this chapter, an appraisal management company already conducting business in this state may continue to conduct business in accordance with this chapter until the 120th day after a registration process becomes available.

II. An application for the registration required by paragraph I of this section shall include the following information:

(a) Name of the person seeking registration and the fictitious name or names (if any) under which it does business in any state;

(b) Business address of the person seeking registration;

(c) Phone contact information of the person seeking registration;

(d) If the person is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;

(e) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns 10 percent or more of the appraisal management company;

(f) The name, address, and contact information for one controlling person designated as the main contact for all communication between the appraisal management company and the agency;

(g) A certification that the person has a system and process in place to verify that an individual being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under this chapter if a license or certification is required to perform appraisals;

(h) A certification that the person requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) including the requirements for geographic and product competence;

(i) A certification that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

(j) A certification that the person has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

(k) A certification that the person maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the appraisal management company;

(l) An irrevocable uniform consent to service of process, pursuant to RSA 310-B:12-c.

(m) Any other information required by the agency which is reasonably necessary to implement this chapter.

III. An application for the renewal of a registration shall include substantially similar information required for the initial registration as noted in paragraph II, as determined by the agency.

IV. A registration granted by the agency pursuant to this chapter shall be valid for one year from the date on which it is issued.

310-B:12-b Appraisal Management Company Exemptions.

I. The provisions of this chapter shall not apply to an appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institutions regulatory agency.

II. The provisions of this chapter shall not apply to a business entity that exclusively engages real estate appraisers on an employer and employee basis for the performance of all real property appraisal services in the normal course of its business, except to the extent federal law or regulation requires such entities to register with and be subject to supervision by a state appraiser certifying and licensing agency.

310-B:12-c Appraisal Management Company Consent to Service of Process. Each person applying for a registration as an appraisal management company that is not domiciled in this state shall complete an irrevocable uniform consent to service of process, as prescribed by the agency.

310-B:12-d Appraisal Management Company Fee.

I. The agency shall establish by rule or regulation a processing fee to be paid by each appraisal management company seeking registration under this chapter that is sufficient for the administration of the registration process.

II. A similar processing fee, may be charged by the agency in connection with the renewal of any registrations.

310-B:12-e Appraisal Management Company Owner Requirements.

I. An appraisal management company applying for registration in this state shall not:

(a) Be owned by any person who has had an appraiser license or certificate in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked, unless such license or certificate was subsequently granted or reinstated;

(b) Be more than 10 percent owned by a person who is not of good moral character, which for purposes of this section shall require that such person has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of appraisal, banking, mortgage lending or the provision of financial services, or any crime involving fraud, misrepresentation or moral turpitude.

II. For purposes of subparagraph I(b), each owner of more than 10 percent of an appraisal management company shall submit to a background investigation to be carried out by a law enforcement agency or other entity authorized by the agency.

310-B:12-f Appraisal Management Company Designated Contact. Each appraisal management company applying to the agency for registration in this state shall designate one controlling person who is an employee of the appraisal management company that will be the designated contact for all communication between the agency and the appraisal management company.

310-B:12-g Appraisal Management Company Appraiser Credentials.

I. An appraisal management company that applies to the agency for a registration to do business in this state as an appraisal management company shall not:

(a) Knowingly employ any individual to perform appraisal services, who has had a license or certificate to act as an appraiser in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked, unless such license or certificate was subsequently granted or reinstated;

(b) Knowingly enter into any independent contractor arrangement for the performance of appraisal services, in verbal, written, or other form, with any individual who has had a license or certificate to act as an appraiser in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked, unless such license or certificate was subsequently granted or reinstated.

II. Prior to assigning appraisal orders, an appraisal management company shall have a system in place to verify that a person being added to the appraiser panel holds the appropriate appraiser credential in good standing.

III. Each appraisal management company seeking to be registered in this state shall certify to the agency on an annual basis on a form prescribed by the agency that the appraisal management company has systems in place to verify that:

(a) An individual on the appraiser panel has not had a license or certification as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation in the previous 12 months, unless such license or certificate was subsequently granted or reinstated; and

(b) Only licensed or certified appraisers are used to complete appraisal assignments in connection with federally related transactions.

310-B:12-h Appraisal Management Company; Appraisal Review. Any employee of, or independent contractor to, an appraisal management com-

pany that performs a USPAP Standard 3 review of an appraisal report on property located in this state shall be an appraiser with the proper level of licensure issued by the agency. Quality control examinations are exempt from this requirement as they are not considered a Standard 3 review.

310-B:12-i Appraisal Management Company; Adherence to Standards.

I. Each appraisal management company seeking to be registered in this state shall certify to the agency on an annual basis that it requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice including the requirements for geographic and product competence.

II. Each appraisal management company seeking to be registered in this state shall certify to the agency on an annual basis that it has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

III. An appraisal management company shall not prohibit an appraiser from reporting the fee paid to the appraiser in the body of the appraisal report, however an appraisal management company may require an appraiser to present any such disclosure in a specified format and location.

310-B:12-j Appraisal Management Company; Recordkeeping. Each appraisal management company seeking to be registered in this state shall certify to the agency on an annual basis that it maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal for the appraisal management company. Such records must be retained for a period of at least 5 years after an appraisal is completed or 2 years after final disposition of a judicial proceeding related to the assignment, whichever period expires later.

310-B:12-k Appraisal Management Company; Appraisal Reports.

I. An appraisal management company may not alter, modify, or otherwise change a completed appraisal report submitted by an appraiser without the appraiser's written consent, except as necessary to comply with regulatory mandates or legal requirements.

II. An appraisal management company may not use an appraisal report submitted by an independent appraiser, or any of the data or information contained therein, for any purpose other than its intended use without the appraiser's or the intended end user's written consent.

310-B:12-l Appraisal Management Company; Registration Number.

I. The agency shall issue a unique registration number to each appraisal management company registered in this state pursuant to this chapter.

II. The agency shall maintain a list of the appraisal management companies registered in this state and the registration numbers assigned to such persons.

III. An appraisal management company registered in this state shall disclose the registration number provided to it by the agency on the engagement documents presented to an appraiser.

310-B:12-m Appraisal Management Company; Unlawful Acts.

I. It shall be a violation of this chapter for any employee, partner, director, officer, or agent of an appraisal management company to:

(a) Influence or attempt to influence the development, reporting, result, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery or in any other manner, including but not limited to:

(i) Withholding or threatening to withhold timely payment or partial payment for an appraisal with the exception of a substandard or noncompliant appraisal;

(ii) Withholding or threatening to withhold future business from an appraiser, or demoting, terminating or threatening to demote or terminate an appraiser;

(iii) Promising or implying that an appraiser may be given opportunities for future business, promotions, or increased compensation;

(iv) Conditioning an assignment of an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(v) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

(vi) Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided; and

(vii) Requiring an appraiser to prepare an appraisal report if the appraiser has indicated to the appraisal management company that he or she does not have the necessary expertise for the specific geographic area.

(b) Require an appraiser to indemnify the appraisal management company against liability, damages, losses, or claims other than those liabilities, damages, losses or claims arising out of the services performed by the appraiser, including performance or non-performance of the appraiser's duties and obligations, whether as a result of negligence or willful misconduct.

(c) Submit or attempt to submit false, misleading, or inaccurate information in any application for registration or renewal;

(d) Fail to timely respond to any subpoena or any other legally-binding request for information;

(e) Fail to timely obey a lawful administrative order of the agency; or

(f) Fail to fully cooperate in any agency investigation.

II. Notwithstanding any other provision in this chapter, an appraisal management company shall not be prohibited from requesting that an appraiser:

(a) Consider additional appropriate property information;

(b) Provide additional information concerning the basis for an evaluation; or

(c) Correct objective factual errors in an appraisal report.

310-B:12-n Appraisal Management Company; Mandatory Reporting. An appraisal management company that has a reasonable basis to believe an appraiser has failed to comply with applicable laws, the Uniform Standards of Professional Appraisal Practice or other ethical or professional requirements in connection with a consumer credit transaction secured by a consumer's principal dwelling, shall refer the matter to the agency if the failure to comply is material. For purposes of this section, a failure to comply is material if it is likely to significantly affect the value assigned to the consumer's principal dwelling.

310-B:12-o Appraisal Management Company; Rulemaking Authority. The agency may adopt rules consistent with the provisions of this chapter that are reasonably necessary to implement, administer, and enforce the provisions of this chapter.

Amend RSA 310-B:16-a, IV as inserted by section 12 of the bill by replacing it with the following:

IV. The requirements of this section shall take effect to appraisal management companies beginning the later of:

(a) January 1, 2012; or

(b) 120 days after the first date on which all rules, forms and policies necessary to implement this chapter have been finalized and made available by the agency. No unregistered appraisal management company may perform services related to a federally related transaction in the New Hampshire after January 1, 2012.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 153-FN Ought to Pass with Amendment. Senate Bill 153-FN makes various changes to the regulation of the real estate appraisers by the real estate appraisal board, which includes registration of appraisal management companies and changes related to the federal Dodd-Frank Reform Act. The real estate appraiser board would be authorized to establish fees for the registration of appraisal management companies.

Senate Bill 153-FN also brings the New Hampshire real estate appraisal board in compliance with the federal mandates issued under the Dodd-Frank Reform Act. The ED&A Committee voted unanimously in favor, 5-0. Therefore, we ask your support in the adoption of Senate Bill 153-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

March 8, 2011

2011-0706s

10/01

Amendment to SB 161-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Procedure for Adopting Rule; Public Hearing. Amend RSA 541-A:3, IV to read as follows:

IV. ~~[Holding]~~ **Scheduling** a public hearing and receiving comments under RSA 541-A:11;

2 Notice of Rulemaking Proceedings; Scheduled Public Hearing; Concise Summary. Amend RSA 541-A:6, I(e) and (f) to read as follows:

(e) The date of the first **scheduled** agency public hearing and the cut-off date for the submission of written materials to the agency.

(f) ***If existing rules are being amended, readopted, or readopted with amendment***, a concise summary ~~[explaining the effect]~~ of the ~~[rule]~~ ***existing rules and any proposed amendments, and if the proposed rules are being adopted, a concise summary of the proposed rules.***

3 Notice of Rulemaking Proceedings; Substantial Noncompliance Scheduled Public Hearing. Amend RSA 541-A:6, II and III to read as follows:

II. The director of legislative services may refuse to publish a notice if the director determines that there is significant noncompliance with the requirements of paragraph I. ***In this paragraph, "significant non-compliance" means one or more errors of such magnitude that a reasonable person would not be able to discern what rules are the subject of the rulemaking proceeding and/or what the agency is proposing to do. The term includes the absence of elements required by paragraph I.***

III. The agency shall send notice to the director of legislative services, to all persons regulated by the proposed rules who hold occupational licenses issued by the agency, and to all persons who have made timely request for advance notice of rulemaking proceedings. Upon request the agency shall send notice to the president of the senate, to the speaker of the house of representatives, to the chairperson of the fiscal committee, and to the chairpersons of the legislative committees having jurisdiction over the subject matter. Notice shall be made not less than 20 days before the first ***scheduled*** agency public hearing required by RSA 541-A:11, I. Notice to occupational licensees shall be by U.S. Mail, electronically, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner ***that is reasonably calculated to inform such licensees of the proposed rulemaking. The committee may identify additional methods of notifying occupational licensees that are deemed sufficient*** [by the committee].

4 New Paragraphs; Rulemaking Register; Authority of Director; Date of Publication. Amend RSA 541-A:9 by inserting after paragraph I the following new paragraphs:

I-a. Prior to publication and with prior notice to the agency, the director of legislative services may correct typographical, spelling, and punctuation errors, as well as unintentional errors in references and citations in a submission, provided the corrections do not affect the substance of the notice.

I-b. The date of publication of the rulemaking register shall be the date on which the register is available to the public on the general court information services web site.

5 Rulemaking Register; Electronic Copies. Amend RSA 541-A:9, II and III to read as follows:

II. The rulemaking register shall be made available upon request to agencies and officials of this state free of charge. The director of legislative services shall send a ***paper or electronic*** copy of the rulemaking register upon request to the clerk of each municipality in the state and upon request to any member of the general court free of charge. ***Municipalities and members of the general court shall be deemed to have requested an electronic copy unless a paper copy is specifically requested. Paper*** copies of the register which are sent to municipalities and to members of the general court shall be sent by first-class mail.

III. ***Paper copies*** of the register shall also be made available upon request to other persons at prices fixed by the director of legislative services to cover mailing and publication costs.

6 Filing Proposed Rule Text; Establishing and Revising Text of Rules. Amend RSA 541-A:10 to read as follows:

541-A:10 Filing of Proposed Rule Text; ***Establishing and Revising Text.***

I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. The text *of the proposed rules* as filed *pursuant to RSA 541-A:3, III* shall not be changed ~~[or established as]~~ *prior to the hearing scheduled pursuant to RSA 541-A:11, I(a).*

II. *The agency shall not establish* the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA ~~[541-A:11]~~ **541-A:11, I(b).** *If the agency elects to solicit comment pursuant to RSA 541-A:11, I(c), the agency shall prepare a draft final proposal that is annotated to show how the rules as initially proposed are proposed to be changed. In response to comment received, the agency may revise the draft prior to filing the final proposal in accordance with RSA 541-A:12.*

7 Public Hearing; Public Comment Period. Amend RSA 541-A:11, I to read as follows:

I.(a) Each agency shall ~~[hold]~~ *schedule* at least one public hearing on all proposed rules *filed pursuant to RSA 541-A:3* and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice *filed pursuant to RSA 541-A:3, I* and the provisions of this section. The office of legislative services shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV in a form and manner determined by the director of the office of legislative services. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the *date of the scheduled* hearing.

(b) For rules proposed by a board or commission, a period of at least ~~[10]~~ **5 business** days after the hearing shall be provided for the submission of materials in writing or in electronic format, unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of such materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least ~~[10]~~ **5 business** days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of materials in writing or in electronic format shall be extended *unless the previously-established deadline meets the applicable requirement specified above.*

(c) *An agency may hold a public hearing or otherwise solicit public comment on a draft final proposed rule prior to filing the final proposed rule pursuant to RSA 541-A:3, V. Notice of such hearing or comment period shall be provided by such means as are deemed appropriate to reach interested persons, which may include publishing a notice in the rulemaking register.*

8 New Paragraph; Public Hearing; Preregistration. Amend RSA 541-A:11 by inserting after paragraph I the following new paragraph:

I-a. For an agency that has adopted preregistration requirements under RSA 541-A:16, I(b)(3), the agency may cancel a scheduled hearing if the agency:

(a) Has a reasonable belief that no member of the public is likely to attend the hearing;

(b) Has clearly stated the requirement to preregister for the hearing prominently in the notice filed under RSA 541-A:6, I, and in any other information about the rulemaking proceeding the agency has distributed to interested persons;

(c) Has received no preregistration for attendance at a scheduled hearing as of 2 business days in advance of the hearing; and

(d) Informs the director of legislative services of the cancellation.

Cancellation of the public hearing shall not affect the deadline for submission of comments.

9 Filing Final Proposal; Incorporation by Reference; Internet Content. Amend RSA 541-A:12, II-IV to read as follows:

II. The final proposal shall include:

(a) A cover sheet listing:

(1) The number of the notice and the date the notice appeared in the rulemaking register;

(2) The name and address of the agency;

(3) The title and number of the rule; and

(4) A citation to the statutory authority for the rule.

(b) ~~Two copies~~ **One copy** of the established text of the final proposed rule.

(c) ~~A copy of the full text of the statutory authority for the rule.~~

(d) If required pursuant to RSA 541-A:5, VI, an amended fiscal impact statement from the legislative budget assistant stating that as a result of notice and hearing the rule did change and explaining how this change affects the original fiscal impact statement.

~~(e)~~ (d) A copy of the fixed text of the final proposed rule annotated clearly to show how the final proposed rule differs from the rule as initially proposed, if the text has changed.

III. ~~[With the final proposal, the agency shall also file the incorporation by reference statement described by paragraph IV of this section, if the]~~ **An agency [incorporates into] may establish requirements in its rules [any] by citing to a document or to Internet content prepared by [any entity outside the agency] an unrelated third party. If state-enforceable requirements are so established, the agency shall file an incorporation by reference statement as specified in paragraph IV with the final proposal.** ~~[However, the]~~ No agency shall ~~[not]~~ incorporate by reference any document **or Internet content** prepared by or on behalf of the agency.

IV. Any ~~[required]~~ incorporation by reference statement **required by paragraph III** shall include a ~~[separately signed]~~ statement **signed** by the adopting authority:

(a) Certifying that the text of the ~~[matter]~~ incorporated **document or Internet content** has been reviewed by the agency, with the name of the reviewing official;

(b) Explaining how the text of the ~~[matter]~~ incorporated **document or Internet content** can be obtained by the public, and at what cost;

(c) Explaining any modifications to the ~~[matter]~~ incorporated **document or Internet content**;

(d) Discussing the comparative desirability of reproducing the incorporated ~~[matter]~~ **document or Internet content** in full in the text of the rule; and

(e) Certifying that the agency has the capability and the intent to enforce the ~~[rule]~~ **requirements being incorporated.**

V. **If an agency establishes requirements by incorporating undated Internet content by reference, the agency shall make a read-**

only copy of the incorporated Internet content no later than the date of filing the incorporation by reference statement, and make the dated copy available to the public.

10 New Section; Extension of Currently Effective Rules Pending Re-adoption. Amend RSA 541-A by inserting after section 14 the following new section:

541-A:14-a Extension of Currently Effective Rules Pending Re-adoption.

I. If an agency files a notice pursuant to RSA 541-A:6 to readopt existing rules, with or without amendments, the currently effective rules in the filing which would otherwise expire prior to the completion of the readoption of the rules by the agency shall continue in effect until the proposed rules are adopted and effective.

II. If, after filing a notice pursuant to paragraph I, an agency fails to file a final proposal by the deadline specified in RSA 541-A:12, fails to file a response to objection as specified in RSA 541-A:13, or fails to adopt and file the proposed rule as specified in paragraph III, the existing rules which would otherwise expire prior to the completion of the readoption of the rules by the agency shall expire 30 days after such deadline unless the agency has obtained a waiver of the deadline pursuant to RSA 541-A:40, IV(a). If the agency has obtained a waiver to a deadline, such existing rules shall expire 30 days after the deadline established pursuant to RSA 541-A:40, IV(b) if the required action is not taken.

III. If rules are extended pursuant to this section, the agency shall:

(a) Adopt the proposed rules no later than 30 days after the date on which the agency is allowed to adopt the rules under RSA 541-A:14, I; and

(b) File the rules as required by RSA 541-A:14, III with an effective date that is not more than 60 days from the date of filing, except that an agency may specify an effective date that is more than 60 days from the date of filing if a waiver is obtained pursuant to RSA 541-A:40.

11 Agency Rules; Preregistration for Public Hearings. Amend RSA 541-A:16, I(b)(3) to read as follows:

(3) Rules governing public comment hearings for rulemaking, ***including preregistration procedures if the agency intends to require preregistration for any rulemaking hearing.***

12 Filing Rules; Effective Date. Amend RSA 541-A:16, III to read as follows:

III. A rule shall become effective as of 12:01 a.m. on the day after the filing of the adopted rule or as of 12:01 a.m. on the date specified by the agency pursuant to RSA 541-A:14, IV, ***RSA 541-A:14-a, III***, or RSA 541-A:19, X, or such other date and time as specified, provided that filing occurs before such effective date and time. ***Except as provided in RSA 541-A:14-a***, a rule adopted under RSA 541-A:14, IV shall expire after the last day of the [eighth] ***tenth*** year following its becoming effective, unless sooner amended, readopted, or repealed.

13 Time Limit; Effective Period. Amend RSA 541-A:17, I to read as follows:

I. No rule shall be effective for a period of longer than [8]***10*** years ***except as extended pursuant to RSA 541-A:14-a***, but the agency may adopt an identical rule under RSA 541-A:5 through RSA [541-A:14] ***541-A:14-a***, in conformance with the drafting and procedure manual adopted under RSA 541-A:8.

14 Emergency Rules. Amend RSA 541-A:18, I to read as follows:

I. [~~If an~~] ***An agency may proceed to adopt an emergency rule if it finds either that an imminent peril to the public health or safety requires adoption of a rule with less notice than is required under RSA***

541-A:6 or that substantial fiscal harm to the state or its citizens could occur if rules are not adopted with less notice than is required under RSA 541-A:6. [~~and states in writing its reasons for that finding, it may proceed to adopt an emergency rule.~~] The rule may be adopted without having been filed in proposed or final proposed form and may be adopted after whatever notice and hearing the agency finds to be practicable under the circumstances. The agency shall make reasonable efforts to ensure that emergency rules are made known to persons who may be affected by them.

15 Emergency Rules; Adoption. Amend RSA 541-A:18, III(e) to read as follows:

(e) A signed and dated statement by the adopting authority explaining the nature of the [~~imminent peril to the public health or safety~~] **basis for the emergency rule**, including [~~a summary~~] **an explanation** of the effect upon the state if the emergency rule were not adopted.

16 Interim Rules; New or Amended Statute. Amend RSA 541-A:19, I(a) to read as follows:

(a) Conform with a new or amended **codified** state statute **or chaptered session law**, provided, however, that an agency shall not publish notice of a proposed interim rule more than [90] **120** days after the effective date of the new or amended **codified state** statute **or chaptered session law**;

17 Expedited Process for Readoption of Rules. The director of legislative services shall develop an expedited process for readopting rules which contain no changes or contain only minor changes. Minor changes shall include renumbering, updating internal references, references to documents incorporated by reference, date and year changes, typographical or grammatical errors, and other editorial changes. The director shall consult with agency staff as necessary. The director shall provide a report on an expedited process and any proposals for legislation to the chairperson of the joint legislative committee on administrative rules not later than November 1, 2011.

18 Suspension of Provisions; Waiver. Amend RSA 541-A:40, IV as follows:

IV.(a) Notwithstanding any other provision of this chapter, the director of legislative services **may**, after consultation with the chair and vice-chair of the joint legislative committee on administrative rules, [~~may,~~] **and** for good cause shown, waive any deadline **or otherwise extend any time period** contained in any provision of this chapter **which relates to the rulemaking process**.

(b) **If a deadline is waived or a time period is extended, the director shall, after consultation with the chair and the vice-chair of the committee and the agency whose rules are affected, establish a new deadline by which the required action shall be taken.**

19 Transition; Application. The provisions of this act shall govern the following on or after the effective date of this act:

I. All rulemaking initiated by filing a notice of rulemaking under RSA 541-A:6 or RSA 541-A:19-c.

II. All emergency rules adopted under RSA 541-A:18.

III. All interim rules initiated by filing a proposed interim rule under RSA 541-A:19, II.

IV. All expedited repeal of rules under RSA 541-A:19-a.

V. All notices submitted to the director of legislative services for publication in the rulemaking register.

20 Effective Date. This act shall take effect 60 days after its passage.

SENATOR GROEN: Thank you, Mister President. I move Senate Bill 161-FN Ought to Pass with Amendment. Senate Bill 161-FN addresses technical and procedural topics relating to administrative rulemaking. It allows for pre-registration for agents at public hearings, gives the Director of Legislative Services discretion in publication of rulemaking notices, provides for electronic copies of the register, allows agencies to hold second public hearings, extends the expiration date of rules from eight to ten years, and allows for extending rules by filing re-adoption of currently effective rules.

This legislation also allows for the incorporation by reference of Internet content, modifies procedures for interim emergency rulemaking, and requires the Director of Legislative Services to develop a process for expedited re-adoption of rules.

The ED&A Committee voted favorably 4-0 on SB 161-FN. Therefore, we ask for your support in its adoption. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Groen.)

SENATOR LARSEN: One of the discussions we had – one of the biggest issues was the pre-registration issue of, if people wanted to attend the hearing on an administrative rule, they might have to pre-register their intent to come speak on an administrative rule. We have since been having more discussions about that issue, and I understand that's one of the concerns in this bill. If we send this to the Finance Committee, is this a place where we could work on a proposed committee amendment, or an amendment that might address the pre-registration issue?

SENATOR GROEN: Senator Larsen, I would have no objection to that.

SENATOR LARSEN: My understanding in the Finance report that we have on our desks is that 161 is not scheduled to go to the Finance Committee. But, would we now change that to send it to Finance?

PRESIDENT BRAGDON: Yes, thank you, Senator Larsen. That will be ordered to Finance should the Ought to Pass motion prevail.

SENATOR LARSEN: Thank you very much.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 177, relative to training of directors and officers of nonprofit corporations. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 177 be re-referred to committee. Senate Bill 177 would require that every publicly-supported voluntary corporation ensure that its directors and chief executive and financial officer receive annual management training.

The ED&A Committee believes that the matter of requiring management training needs further assessment before a confident and ultimate decision on this legislation can be reached. The Committee voted unanimously in favor – 5-0 – to re-refer this bill to committee, and therefore we ask your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HEALTH AND HUMAN SERVICES

SB 147-FN, relative to Medicaid managed care. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Health and Human Services

March 10, 2011

2011-0790s

01/09

Amendment to SB 147-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Medicaid Managed Care. Amend RSA 126-A:5 by inserting after paragraph XVIII the following new paragraph:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations throughout as much of New Hampshire as practicable consistent with the provisions of 42 U.S.C. 1396r-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary care case management model, or a combination thereof, offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other externally administered models. The department shall present the opportunities of the various models or combination of models to the oversight committee on health and human services with a recommendation for the best managed care model for New Hampshire, no later than June 15, 2011. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality management, and customer services. After consultation with the oversight committee, the commissioner shall issue a 5-year request for proposals to enter into a contract with the vendor or vendors that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation and savings. The request for proposals shall be released no later than October 1, 2011. The vendor or vendors of the managed care model or combination of models demonstrating the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings shall be selected no later than December 1, 2011 with a final contract submitted to the governor and council as soon as practicable thereafter. After the bidding process, the commissioner shall establish a capitated rate based on the bids by the appropriate model for the contract that is full risk to the provider. The capitated rate shall be broken down into rate cells for each population including, but not limited to, the persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved by the fiscal committee of the general court. The managed care model or models' selected vendor or vendors providing the Medicaid services shall establish medical homes and all Medicaid recipients shall receive their care through a medical home. In contracting for a managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all

due diligence to maintain or increase the current level of quality of care provided. The target date for implementation of the contract is July 1, 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek all necessary and appropriate waivers to implement the provisions of this paragraph.

(b) The department shall ensure that all eligible Medicaid members are enrolled in the managed care model under contract with the department no later than 12 months after the contract is awarded to the vendor or vendors of the managed care model.

(c) For the purposes of this paragraph:

(1) An "accountable care organization" means an entity or group which accepts responsibility for the cost and quality of care delivered to Medicaid patients cared for by its clinicians.

(2) "An administrative services organization" means an entity that contracts as an insurance company with a self-funded plan but where the insurance company performs administrative services only and the self-funded entity assumes all risk.

(3) A "managed care organization" means an entity that is authorized by law to provide covered health services on a capitated risk basis and arranges for the provision of medical assistance services and supplies and coordinates the care of Medicaid recipients residing in all areas of the state, including the elderly, those meeting federal supplemental security income and state standards for disability, and those who are also currently enrolled in Medicare. After the first 5 years, a "managed care organization" may include the department of health and human services, with the approval of the fiscal committee.

(4) "A primary care case management" means a system under which a primary care case management contracts with the state to furnish case management services, which include the location, coordination and monitoring of primary health care services, to Medicaid recipients.

2 Effective Date. This act shall take effect upon its passage.

2011-0790s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to issue a 5-year request for proposal to enter into a contract with a vendor or vendors of a managed care model after consultation with the oversight committee on health and human services to provide for managed care services to the Medicaid population. The commissioner, in consultation with the fiscal committee of the general court, is granted rulemaking authority for the purposes of this bill.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 147 Ought to Pass with Amendment. Senate Bill 147 requires the Commissioner of Health and Human Services to issue a five-year request for proposal to enter into a contract with a vendor or vendors of a managed care model to provide for managed care services to Medicaid recipients in New Hampshire.

In his budget address, Governor Lynch called for our state to join over 30 other states in implementing a managed care model for services delivered to the Medicaid population. By switching to managed care, Governor Lynch is contemplating a \$33 million savings in the budget that he proposed in this biennium alone. However, some believe it could produce even significantly more savings. Therefore, the Committee worked with

the Department of Health and Human Services to draft this bill, and the amendment, to establish an aggressive but realistic timeline for implementing this system.

Senate Bill 147 will not only provide necessary cost savings, but will also be an innovative and efficient way of delivering services that are high-quality to our state's Medicaid recipients. The Health and Human Services Committee unanimously recommends that SB 147 Ought to Pass with Amendment and asks for your support.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 151-FN, relative to contracts of the department of health and human services. Ought to Pass with Amendment, Vote 3-0. Senator Lambert for the committee.

Health and Human Services

March 10, 2011

2011-0791s

09/01

Amendment to SB 151-FN

Amend the bill by replacing section 1 with the following:

1 Contract Consolidation; Department of Health and Human Services.

I. No later than January 1, 2012, the commissioner of the department of health and human services shall develop a plan to consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for the provision of services to clients of the department. The plan shall be provided for review and comment to the oversight committee on health and human services established pursuant to RSA 126-A:13. For the remainder of the biennium ending June 30, 2013, the commissioner shall provide reports on a quarterly basis to the oversight committee on implementation of the contract consolidation plan.

II. In addition, no later than January 1, 2012, the commissioner shall report the total number of full-time equivalent contract employees and the number of contractors employed at state-run facilities and shall submit such report to the oversight committee on health and human services.

2011-0791s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human service to develop a plan to consolidate all outside contracts and to provide the plan for review and comment to the oversight committee on health and human services.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 151-FN Ought to Pass with Amendment. Senate Bill 151 requires the Commissioner of the Department of Health and Human Services to develop a plan to consolidate all outside contracts and to provide the plan for review and comment to the oversight committee on Health and Human Services.

As suggested by the Department, the amendment calls for the Department to complete its plan for consolidating contracts by January 1st, 2012, and to provide quarterly reports thereafter throughout the remainder

of the biennium. As a result of SB 151-FN, the Department will see administrative cost savings by reducing the number of contracts being administered – the number, which is currently over 750, annually.

Therefore, the Health and Human Services Committee unanimously voted that SB 151-FN Ought to Pass with Amendment and we ask for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

JUDICIARY

SB 12-FN, relative to screening panels for medical injury claims. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Judiciary

March 10, 2011

2011-0800s

06/01

Amendment to SB 12-FN

Amend the bill by replacing section 1 with the following:

1 Medical Malpractice Panel and Insurance Oversight. Amend RSA 519-B:11, VI(b) to read as follows:

(b) The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, ~~[2010]~~ **2013**. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 12-FN. This legislation merely extends the legislative oversight committee for the medical malpractice screening panels. Regardless of how you feel about the screening panels, we should absolutely have legislative oversight while they are in existence. The bill as introduced extended the oversight committee until 2015. The committee amendment merely changes this until 2013. I would note, Mister President, that while there is a fiscal note on the bill, it appears to have been done in error; there is no cost associated with this bill's implementation.

The Judiciary Committee recommends that SB 12-FN be adopted with amendment and asks your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 14-FN, relative to the brandishing of a firearm. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

Sen. Carson moved to Table SB 14-FN.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Houde for a parliamentary inquiry.)

SENATOR HOUDE: If I may, if you believe, as I believe, that Senate Bill 14-FN is but one of many bills dealing with firearms that we'll be

hearing throughout the session, would you not vote against the table motion so that the bill can be re-referred and one less bill dealing with firearms. Thank you, Mister President.

PRESIDENT BRAGDON: If you are in favor of the motion to table, you would vote yes. If you are opposed, you would vote no.

The question is on the motion to Table. Adopted.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Senate Judiciary

March 11, 2011

2011-0804s

04/09

Amendment to SB 52-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

(b) A prisoner convicted of a nonviolent offense *who has not been previously convicted of a sexually violent offense as defined in RSA 135-E:2, XI* shall be released on parole upon serving 120 percent of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, *unless the parole board votes to deny such release*.

2 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c) ~~[All prisoners who have not been previously paroled]~~ *A prisoner who has not been previously paroled*, or who ~~[were]~~ *was* recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence, *unless the parole board votes to deny such release*. This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

3 Effect of Recommittal. Amend RSA 651-A:19 to read as follows:
651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, *or may be subject to an extended term of recommitment pursuant to paragraphs III and IV*. The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that provides]~~ *provided access* to focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

(a) The prisoner has previously been recommitted for a parole violation; or

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and

(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or

(2) The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or

(3) Both subparagraphs (1) and (2); or

(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or

(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.

IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:

(1) The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommitment period; or

(2) The prisoner received one or more major disciplinary violations during the 90-day recommitment period.

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:

(a) The prisoner has not been previously recommitted for a parole violation;

(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;

(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;

(d) The parole violation is not substantially related to his or her offense or offending pattern; and

(e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.

4 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give

written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the [anticipated] **potential** release on parole pursuant to RSA 651-A:6, I(c), except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

5 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release on parole pursuant to RSA 651-A:6, I(c), or upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

6 Probationers and Parolees; Risk Assessment and Length of Supervision. Amend RSA 504-A:15, III-IV to read as follows:

III. Any person placed on probation for a felony shall be subject to active supervision for up to the first 12 months and thereafter be placed on administrative supervision unless the probationer has been designated high risk [or], has been adjudicated by the court for a violation of the conditions of probation during the first 12 months under supervision, **or was placed on probation for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

IV. Any person placed on parole for a felony shall be subject to active supervision for up to the first 18 months and thereafter be placed on administrative supervision unless the parolee has been designated high risk [or], has violated the conditions of parole during the first 18 months under supervision, **or was placed on parole for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

7 Effective Date. This act shall take effect upon its passage.

2011-0804s

AMENDED ANALYSIS

This bill:

I. Excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so.

II. Provides the parole board with greater discretion to recommit a person who reoffends while on mandatory early supervised release.

III. Requires that an offender placed on probation or parole for conviction of a felony offense that would require registration as a sexual offender or an offender against children shall not be placed on administrative supervision.

SENATOR HOUE: Thank you very much, Mister President. I move Ought to Pass with Amendment on Senate Bill 52-FN. This legislation amends the Justice Reinvestment Act, which was adopted last session in Senate Bill 500, by restoring discretion to the parole board, both in terms of eligibility for supervised release and in terms of duration of recommitment upon violation of parole.

I would like to go on record thanking my Senate colleagues, various departments, and those involved with public safety for the bipartisan and effective resolution reached through SB 52 as amended. At the public hearing, we received requested amendments from the Department of Corrections, county attorneys, and Senator Bradley. I am pleased that all of these amendments have been incorporated into the committee amendment. I am also genuinely appreciative that we will combine the best practices from empirical evidence in corrections with the discretion of those charged with ensuring public safety.

The Judiciary Committee recommends Senate Bill 52-FN be adopted with amendment, and therefore asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 134-FN, relative to jury trials under the consumer protection act. Inexpedient to Legislate, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Inexpedient to Legislate on SB 134-FN. This legislation sought to establish a statutory right to a jury trial in consumer protection cases.

The Committee was not convinced that there was a good enough reason presented to potentially incur the associated costs of these trials. Also, the Senate ED&A Committee has a number of bills in their possession dealing specifically with rights to file cases. We feel that they are fully prepared to deal with this matter. Therefore, the Judiciary Committee recommends that SB 134-FN be voted as Inexpedient to Legislate, and we ask for your support. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

SB 83-FN, enabling municipalities to create other post-employment benefits (OPEB) trusts. Re-refer to committee, Vote 5-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move that Senate Bill 83 be re-referred to committee. This bill would enable municipalities to set up a trust for the purpose of paying so-called "other post-employment benefits", or OPEB's. These are non-pension benefits paid to retired employees, typically health benefits.

Testimony at the public hearing from the City of Dover outlined the actuarial benefits of appropriating funds into an OPEB trust. Questions arose regarding the appropriate makeup of the proposed board of trustees and other operational details. Also, since Dover is in a unique situation with regard to OPEB obligations, the possibility of amending the bill to simply authorize Dover to establish an OPEB trust was entertained.

At the request of the prime sponsor, the Committee agreed to allow more time to investigate that option and to resolve other issues raised. Please join the Public and Municipal Affairs Committee in voting Senate Bill 83 re-referred to committee. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 129-FN, requiring valid photo identification to vote in person. Ought to Pass, Vote 4-1. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move Senate Bill 129 Ought to Pass. This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot. The bill also eliminates the fee for a non-driver picture identification card.

There have been a growing number of issues arising with identity fraud in this country. Requiring photo identification would help to end such fraud. Many voters go to the polls expecting to display some sort of identification. Some are surprised that it is not required in New Hampshire. It is anticipated that most states will eventually mandate such a requirement. The issue states are grappling with is determining what type of individual form of identification to require.

As this bill has a fiscal note, it will receive additional scrutiny from the Senate Finance Committee. Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 129 be adopted and asks for your support. And, I thank you very much.

SENATOR MERRILL: Thank you, Mister President. I rise in opposition to the motion of Ought to Pass on Senate Bill 129. And, first, I would note that while I realize that if this bill passes today it will go to Finance, where some of the issues of cost of the bill will be examined, I believe that there are more basic policy issues at stake with this bill, and that's what I'll address.

Senate Bill 129, I believe, sets out to fix a problem that does not exist here in New Hampshire: voter fraud. And, it does so in a way that can only discourage voting for some of our citizens. The photo ID that will be required by Senate Bill 129 might be a useful tool if we were plagued with people at the polls trying to pass themselves off as someone else in order to vote. However, we've had just one known case of attempted impersonation here in New Hampshire, over ten years ago. And, U.S. Department of Justice data on voting fraud reflect the same extremely low rate of this kind of fraud.

The remedy set out for this non-problem of voter fraud sounds simple; to many of us, it would mean showing our driver's license at the polls – no big deal. However, for a significant number of eligible voters, it's not so simple, and that's why representatives of AARP, Disabilities Rights Center, and Granite State Independent Living, as well as America Votes and the League of Women Voters, all showed up to oppose Senate Bill 129.

The League of Women Voters testified that there are 66,000 people over the age of 18 in New Hampshire who do not have a driver's license. Some of these are older citizens who no longer drive; some are disabled, some poor, some college students with licenses from other states. The last group, students, would be allowed to show a university ID, but it would have to be one with an expiration date on it, which I understand is not the case for a significant number of student ID's in New Hampshire. So,

for many of them, as well as resident non-drivers, it would mean going to a DMV station to get a non-drivers photo ID. The bill does eliminate the current fee for such ID's, but does not take into consideration the cost and the logistics involved in acquiring the necessary documents for qualifying for such an ID – a birth certificate or a passport – and actually getting to the DMV: real challenges for those who must rely on others or on public transportation.

The bill allows for a provisional ballot, as was mentioned, for those who arrive at the polls without a picture ID. But, in order for their vote to count, those people have only ten days in which to get to the DMV to have their picture taken, and then get to their town clerk's office to present their new ID. So, that would be a total of three not-so-simple trips from a non-driving elderly or disabled person, and all to fix a system that isn't broken.

Only eight states require photo ID's to vote. We don't need to join them. We don't have a voting fraud problem in New Hampshire, but we do have citizens in New Hampshire for whom this bill will create unnecessary obstacles to carrying out their most basic civic right and responsibility.

I think, like all of my colleagues, I'm sure, I love going to the polls to vote. I brought my children with me at early ages so that they could be part of that experience. For me, it's as easy as hopping in the car and driving a mile and a half to the high school, or, if I have time, walking there, better yet. For many people, it's not so easy. Let's encourage all of our citizens to participate in our democracy. Please join me in voting against this unnecessary bill, and I will request a roll call. Thank you, Mister President.

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition to the bill.

In New Hampshire, we have taken a great deal of pride in making access to the polls available to everyone. When I first got into the business of running for public office, there were communities in my District that opened their polls at 11 and closed at 5, which meant that if you were a working person, you couldn't vote, because you went to work early in the morning and you didn't get home 'til after 5 at night. There was also another community in my District that said in order to register to vote, you had to either present your birth certificate or a passport. Only 20 percent of the people in the United States of America have passports. That means 80 percent of the people might not have the right to vote. And, how many of us carry our birth certificates around in our back pocket? Not many, I'm sure.

We have a Secretary of State who's done a magnificent job in opening up the voting process. I taught civics, encouraging my students to register and to vote. Now we put another impediment in place: in order to vote, you've got to present a picture ID. What is wrong with us? When all of us, hopefully, are encouraging every student to register when they get to be 18, every person to vote, because it's a civic duty and it's a civic responsibility. And now, we want to put an impediment? My sister-in-law is 75 years of age; she's never had a driver's license. She does not drive – does not drive. So, she's going to go to Motor Vehicles and get a non-driver picture ID? So it doesn't cost her – but who's going to drive her there? Why do we time after time after time try to impede a process – a process that's working? We rave about voter participation in New Hampshire, we rave about the quality of our involvement in the

process, and now we want to restrict the process? The next thing, it'll be a blood test. I mean, let's be responsible, let's be reasonable. Let's think about civic responsibility, civic engagement, and the quality – the quality – of the kind of representation that we're voting for. And, let's say – let's put a stop to all of the impediments. We should be opening the process; we should be opening it so that more people can become involved. One of the great tragedies of our country is when you go and you're denied the right to vote – which has happened on a number of occasions, yet we never talk about that; we never talk about the people who are turned away at the polls. We say, "That's okay!" Who's going to protect those people? This is not the right time or the right place for this piece of legislation. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I also rise to oppose Senate Bill 129. New Hampshire has apparently 66,000 people over the age of 18 who do not have driver's licenses, and 42,000 of them have not applied for a non-driver's photo ID. These are people who are most likely to be elderly, disabled, poor, or members of minority populations. These are people for whom the cost of obtaining a document such as this becomes an impediment to voting. In certain rural areas, perhaps Senate District 1, how far would they have to drive to get to one of the 12 DMV offices open on a regular basis in order to apply for one of these? And, the cost of applying for even a non-driver's ID requires a birth certificate. Photocopies and copies of birth certificates cost \$30.00 or more. The fiscal note apparently does not include the 42,000 citizens now who do not have a non-driver's photo ID.

The right to vote is one of the most fundamental rights in our democracy. The allegation is that this bill violates the Constitution in the 14th, 15th, 18th, and 26th amendments, and Article 11 of the New Hampshire Constitution, which we are all bound to uphold.

I urge you to recognize the real impediment that this bill creates for New Hampshire citizens who wish to exercise their constitutional right to vote, and I urge you to vote no on Senate Bill 129.

SENATOR PRESCOTT: Thank you very much, Mister President. I rise in favor of the bill. This Fall, I had the great pleasure of bringing my daughter, who turned 18 in September, to the polls. I can't tell you who she voted for, though. And, you know, she's 18; she, fortunately, has her license. And, she took the time to fill out the registration to vote. I hope these young ladies right here have done that or will do that soon, because it is a great privilege; it is a great honor. She presented that she was over 18. That is a hurdle that needs to be made to prove that she is who she is, and she did that at registration, and it was simple: she went to a table separate from the polling booths, sat down with the person that's educated on how to fill out the form, and she got it done in a few minutes. And, it was very proud for me – my wife and I – and we had a picture of her and I taken there at the polls.

I think that that wasn't an impediment to her going to the polls and voting. I think that just preserves the process; that's why we have registration. I think what also preserves the process, and it keeps our integrity that one person has one vote and it means something, is that a photo ID was used to register; I don't see a problem with a photo ID used to re-vote on subsequent elections.

I also know that this bill is going to Finance. And, I want to work on this bill to take out the other objections. I believe that there was no cost

to register to vote; there was no cost whatsoever. And, I believe if you don't have a photo ID, that there should be no cost to get a photo ID. I believe that you get to the polls, you should be able to vote, with no cost, and get your photo ID, right there on the spot. Those are the things I would like to work on. I'm going to vote Ought to Pass for this bill to be able to have that opportunity to get this bill in a position where it's good for New Hampshire. It protects my daughter's vote, it protects my vote, and it protects all votes here. I think this is the time and the place to pass this bill to continue working on voter ID. It's for the process, it's for New Hampshire, and I appreciate the opportunity to speak to it. Thank you very much, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Prescott.)

SENATOR LARSEN: Senator Prescott, what is the problem that this bill seeks to address, given that we have had years of analysis by both the Secretary of State and the Attorney General that there is no voter fraud occurring in this state, and the last instance was 10 years ago, in which a son represented himself as his father? What is the problem that this seeks to address? Where do you see a problem in our voting?

SENATOR PRESCOTT: That would be conjecture on my part. And, I think that this, if there is a problem existing, this does take a step to keep it from happening. It's the right move to make. If this is a voter fraud situation, a person presents their identification instead of just a rent slip or a, you know, a past electric bill, it really doesn't prove that a person is residing in the town and is a citizen of New Hampshire. That's the issue that I think this one step further, without cost, without interference of being able to go to the polls, register same day, get your photo ID, it really, I think, secures the process for all of us. So, to make conjecture – I am not in that position to make conjecture about abuse, I'm just talking about keeping the integrity of the system.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. Merrill for Sen. Prescott.)

SENATOR MERRILL: Thank you, Mister President. Thank you, Senator Prescott. Senator Prescott, are you aware that the bill as written does not provide for acquiring a photo ID at the polls?

SENATOR PRESCOTT: I agree. I understand that. Now, the process, you know, here and now, we have the opportunity to move this not as a passage of a bill, but to the Finance Committee. And, I am going to do that.

SENATOR MERRILL: Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: I'll just speak to the issue of disabled. I have a disabled son who is voting age. He is not able to drive himself to the polls; that is a greater impediment than what we're talking about here. He is not able to really understand the ballot; his mother and I have to spend a lot of time with him before he goes to the polls – that's a great impediment. I don't feel that him needing to provide an ID – he, by the way, will never have a driver's license, so he does have to obtain some sort of identification for many reasons throughout his adult life – that I don't see as an impediment. And, Randy did vote – does vote – did vote just a couple of weeks ago in the town elections, despite all those impediments. And, again, I don't see photo ID being one of them.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Merrill, seconded by Sen. Barnes. The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 18- Nays: 6

Adopted, bill ordered to Committee on Finance (Rule 4-3).

TRANSPORTATION

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 195 Ought to Pass. This bill renames the Manchester Airport Access Road Raymond Wieczorek Drive.

The Committee heard about the many accomplishments and contributions of Councilor Wieczorek, some of which include his current position as Executive Councilor of District 4, five-term Mayor of Manchester, and being a United States Army Korean War veteran. Because of Councilor Wieczorek's dedication to civil service, the Transportation Committee unanimously felt that it was appropriate to honor him and rename the Manchester Airport Access Road. The Transportation Committee asks for your support for the motion of Ought to Pass.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

WAYS AND MEANS

SB 13-FN, increasing the limit on single wagers for games of chance conducted by charitable organizations. Re-refer to committee, Vote 5-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 13 be re-referred to committee. This bill would increase the limit on single wagers for games of chance conducted by charitable organizations from the current \$4 to a \$30 maximum bet. In light of concerns raised by some committee members as well as those of the Attorney General's Office, we believe more debate is needed before making a decision with regard to this bill.

The Ways and Means Committee asks for your support for the motion of re-refer to committee. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 56-FN, authorizing the department of revenue administration to accept credit card payments of taxes. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Senate Ways and Means

March 7, 2011

2011-0688s

09/10

Amendment to SB 56-FN

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of revenue administration to accept credit card and debit card payments of taxes.

Amend the bill by replacing section 1 with the following:

1 New Section; Credit or Debit Card Payment. Amend RSA 21-J by inserting after section 43 the following new section:

21-J:43-a Credit or Debit Card Payment. The commissioner of the department of revenue administration and any authorized employee or agent of the commissioner may accept credit cards or debit cards in the payment of any of the taxes, penalties, interest, or fees administered by the commissioner or collected by the department. The department may add to the amount due, in addition to any tax, penalties, and interest payable, a service charge for the acceptance of the credit card or debit card, as approved by the department. The department, at the time of billing, shall disclose the amount of the service charge. The commissioner shall adopt rules, pursuant to RSA 541-A, as necessary for the administration of such electronic transactions.

2011-0688s

AMENDED ANALYSIS

This bill authorizes the department of revenue administration to accept credit card and debit card payments of taxes.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 56 Ought to Pass with Amendment. This bill authorizes the Department of Revenue Administration to accept credit card payments for taxes. This legislation is intended to provide greater flexibility, giving them the option of paying by credit card, debit card, or electronic transfer. The credit card payments will be administered by a third party. A service charge will be assessed by the third party for the credit and debit card transactions. The committee amendment is to clarify that the service charge fees would not apply to any electronic payments made as a direct transfer from a bank account.

The Ways and Means Committee asks for your support of Ought to Pass.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'm not opposed to the legislation. But, what I have concerns about were the Department of Revenue's explanation of how this would happen and how the fees that are incurred would be either passed on to the person who's filing or who's going to pay them.

Now, it seemed to me that in our discussion with Revenue Administration, the most expedient way to do this would be electronic transfer. Electronic transfer is used across the country, and it would be the most expedient, efficient methodology for collecting taxes. They didn't really explain to us at Ways and Means what they had in place and how they were going to work this out. So, I'm a bit skeptical of how this is going to work. Now, I think anything that expedites the payment of a tax is the way we should move. It's the right way to go; it's the most efficient way to go. But, their explanation of how they were going to do this was not satisfactory to me, and it causes me some doubt. Thank you, Mister President.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Mister President, I'd just like to point out that I've invited the Department to the Finance Committee meeting tomorrow afternoon to address exactly the points that Senator D'Allesandro has brought up.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

Senate Ways and Means

March 7, 2011

2011-0686s

09/01

Amendment to SB 58-FN-A

Amend RSA 77-E:1, XIV(a)(4) as inserted by section 3 of the bill by replacing it with the following:

(4) A qualified community development entity as defined in section 45D of the United States Internal Revenue Code, which entity is owned, controlled, or managed, directly or indirectly, by the business finance authority of the state of New Hampshire.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Applicability. This act shall apply with respect to all taxable periods ending on or after December 31, 2010.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 58 Ought to Pass with Amendment. This bill adds qualified community development entities to the definition of qualified investment company under the business profits tax and the business enterprise tax.

The New Markets Tax Credit is a federal program that is designed to help spur economic development in low-income areas. Under the program, the Business Finance Authority must establish the aforementioned entities in order to facilitate investment in local projects by third parties. The intent of this bill is to ensure that these entities will not be subject to the business profits tax, the business enterprise tax, or the interest and dividends tax. The ultimate recipient of the investment funds will continue to be subject to the taxes.

The committee amendment ensures that the bill will only apply to qualified community development entities that are owned or controlled by the New Hampshire Business Finance Authority.

The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 79-FN, authorizing the department of revenue administration to impose administrative fines for timber tax violations. Inexpedient to Legislate, Vote 5-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 79 Inexpedient to Legislate. This bill sought to authorize the Department of Revenue Administration to impose administrative fines for timber tax violations. At the Department of Revenue Administration's request, we found this bill Inexpedient to Legislate.

The Ways and Means Committee asks for your support for the motion, and thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation. Ought to Pass, Vote 5-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 125 Ought to Pass. This bill shifts the burden of proof from business owners to the Department of Revenue Administration to prove that someone is unreasonably compensating themselves under the business profits tax deduction. This bill is intended to eliminate the climate of uncertainty that has existed for business owners in New Hampshire in recent years, and also made New Hampshire less appealing to others looking to relocate.

This will send a strong and clear message that New Hampshire is not going to use the business profits tax as an income tax on small business owners. This is an opportunity to set a clear tax policy that will encourage compliance and help our small businesses to grow and create jobs.

While the fiscal note states a \$49 million revenue loss, the Department of Revenue Administration told the Committee that the anticipated loss is actually a range: it could go from zero to \$49 million.

The Ways and Means Committee asks for your support for the motion of Ought to Pass.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 132-FN-A-L, establishing exemptions from the real estate transfer tax. Re-refer to committee, Vote 5-0. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move Senate Bill 132 be re-referred to committee. This bill would provide exemptions from the real estate transfer tax for transfers of title between spouses to wholly-owned entities or transfers to or from a revocable trust.

While the intent of this bill was to exempt from the real estate transfer tax certain transfers where no cash actually changes hands, the Committee has concerns about certain aspects of the bill. One concern raised during the committee hearing was a lack of a definition for the term "spouse". We are concerned that this language is not tight enough, and could enable transfers between spouses not married to each other to avoid taxation. We also have concerns about the retroactive applicability section that could result in numerous appeals and subsequent refunds.

Therefore, the Committee would like more time to carefully work out the technical aspects of the legislation to ensure we are not opening ourselves up to significant revenue loss. The Ways and Means Committee asks for your support for the motion of re-refer to the committee, and I thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 136-FN, relative to games of chance. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

Senate Ways and Means
March 7, 2011
2011-0687s
08/09

Amendment to SB 136-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Unclaimed Ticket Vouchers. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association, or corporation conducting a race or race meet, whether live racing or simulcast racing, hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets *and vouchers* which have not been redeemed. The books or records of said person, association, or corporation, which clearly show the tickets entitled to reimbursement in any given race, live or simulcast, shall be forwarded to the commission. Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the amount due on any ticket *or voucher* to the holder thereof from funds not otherwise appropriated upon an order from the commission. Pari-mutuel tickets *and vouchers* which remain unclaimed after 11 months shall not be paid. *Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.*

2 Definitions; Game Operator. Amend RSA 287-D:1, V to read as follows:

V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, [or] handling chips, *or providing accounting services or security functions.*

(c) *"Game operator employer" means a primary game operator or a business entity who employs, supervises, and controls game operators and who is hired by a charitable organization to operate games of chance on its behalf. The owner, partner, managing member, or chief executive of a business entity who serves as a game operator employer must be licensed as a primary game operator.*

3 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-b, I(d) to read as follows:

(d) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may employ, by means of a written agreement, a [primary] game operator *employer or a primary game operator* licensed under RSA 287-D:2-c to operate games of chance on their behalf.

4 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, III to read as follows:

III. An applicant for a primary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, a license shall be issued. *A primary game operator* license issued under RSA 287-D:2-c shall

expire on December 31. The racing and charitable gaming commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter. An applicant for a secondary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, which shall not exceed \$45, a license shall be issued. ***A secondary game operator license issued under RSA 284-D:2-c shall expire on the last day of the month of the licensee's birthday.***

5 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, VI to read as follows:

VI. Any license issued under RSA 287-D:2-a or RSA 287-D:2-c shall not be transferable and the fees for the license shall not be refunded except for good cause shown as specified in rules adopted by the racing and charitable gaming commission. ***Nothing in this section shall prevent a licensee from working for different licensed entities. A licensee who works for more than one game operator employer during the licensed period shall have a separate badge for each game operator employer and pay a separate fee for each badge.***

6 Bond; Game Operators. Amend RSA 287-D:2-b, VIII to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including ~~[prizes of more than \$500]~~ ***prizes of \$500 or more*** and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including ~~[prizes of more than \$500 and]~~ equipment and hall rental fees shall be paid by check ***or electronic fund transfers*** from the account established in RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission. ***Prizes of \$500 or more shall be paid by check from the account established in RSA 287-D:2-c, VI.***

7 Bond; Game Operators. Amend RSA 287-D:2-c, V to read as follows:

V. ***Prior to conducting any games of chance***, the game operator or the game operator's employer shall submit a bond for each location where the game operator is conducting games of chance, conditioned upon the game operator running games of chance in conformity with this chapter and with the rules and regulations prescribed by the racing and charitable gaming commission, in the amount of up to ~~[\$300,000]~~ ***\$500,000 but not less than \$25,000*** to the racing and charitable gaming commission with the application form. ***The amount of the bond in excess of \$25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes.***

8 New Paragraph; Licensing of Game Operators. Amend RSA 287-D:2-c by inserting after paragraph VII the following new paragraph:

VIII. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the chari-

table organization and the game operator or game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than 5 business days following the date on which a game was conducted. Notwithstanding the provisions of any agreement with the charitable organization, the game operator or game operator employer shall pay over all moneys due to the charitable organization no later than 15 business days following a game date.

9 Wagering; Game Operators. Amend RSA 287-D:3, VII to read as follows:

VII. Unless a charitable organization rents a facility from a [primary] game operator ***employer or a primary game operator*** licensed under RSA 287-D:2-c, the charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. If a charitable organization rents a facility from a licensed game operator under RSA 287-D:2-c, the charitable organization shall retain no less than 35 percent of the gross revenues from any games of chance minus any prizes paid in accordance with RSA 287-D:3, VIII. Any rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the racing and charitable gaming commission. Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid is less than zero dollars, during a license period with a single game operator.

10 Wagering; Game Operators. Amend RSA 287-D:5, I to read as follows:

I. A charitable organization [or], a licensed [primary] game operator ***employer, or a primary game operator*** under contract to conduct games of chance on behalf of a charitable organization ***and designated by the charitable organization to be responsible for submitting financial reports*** shall submit a complete financial report for all game dates licensed under RSA 287-D:2 and RSA 287-D:2-a to the racing and charitable gaming commission on forms approved by the racing and charitable gaming commission within 15 days of the end of each month during which a game of chance was held.

11 Operation of Bingo Games; Penalty Added. Amend RSA 287-E:7, XVI to read as follows:

XVI. In not more than one game conducted in accordance with [RSA 287-E:7,] ***paragraph XIII***, a carry-over, cover-all game may be run with the prize money rolled over to the successive game dates in the event that there is no winner on the original or preceding game dates. Notwithstanding any provision of law to the contrary, the prize money may accumulate until there is a winner. The prize shall be awarded to any winner covering all 24 numbers on the card in less than 50 numbers, or a greater number if so designated prior to the game. If there is no winner on a given game date, a pre-designated consolation prize shall be awarded to the game winner who first achieves cover-all. The balance of the [monies] ***moneys*** collected shall be carried over to subsequent game dates until there is a winner. ***Any person who purposely, knowingly, or recklessly deprives a charitable organization of any of its moneys collected from bingo or lucky 7 or any person who purposely, knowingly, or recklessly deprives players of any prizes collected from bingo or lucky 7, shall be guilty of a class A felony.***

12 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, I to read as follows:

I. A charitable organization which has been licensed to conduct bingo games shall submit a complete financial report to the commission for each license issued under RSA 287-E:6 within 15 days after the expiration of each license; provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under ~~[RSA 287-E:6, I-a]~~ **RSA 287-E:6, II.**

13 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, IV to read as follows:

IV. All charitable organizations licensed under this chapter shall maintain a separate checking account for the deposit and disbursement of all income relating to bingo and lucky 7, except cash prizes awarded at the games. All expenses shall be paid by check, ~~[and all prizes of \$500 or more shall be paid by check]~~ **or electronic funds transfers. All prizes of \$500 or more shall be paid by check.** There shall be no commingling of bingo and lucky 7 funds with other funds of the charitable organization. The organization shall retain all cancelled checks for the payment of expenses and prizes for at least 2 years. The organization may cash checks which it issues.

14 Campground Bingo. Amend RSA 287-E:12 to read as follows:

287-E:12 Bingo [License] for Private Campgrounds and Hotels. Any private campground or hotel may ~~[apply to the commission for a special campground or hotel bingo license. Licenses may be granted under the following conditions]~~ **conduct bingo games provided:**

~~I. The bingo license application fee shall be \$25 per year and shall be nonrefundable.~~

~~II. The provisions of RSA 287-E:6, IV and RSA 287-E:7, IV and VI relating to bingo licenses and the operation of games for charitable organizations shall also apply to licenses issued under this section.~~

~~III.] I.~~ The price to be paid for a single card or play under the license shall be \$.10.

~~IV. A license shall permit no more than 2 game dates of bingo in any one calendar week and shall be issued on an annual basis.~~

~~V-] II.~~ All revenues received from the sale of bingo cards in any game or series of games on any one calendar day shall be paid out to the players. The total value of all prizes, tokens, or awards used, given, offered, or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

~~VI.] III.~~ Games shall be operated only by persons on the staff of the campground or hotel ~~[holding the license under this section]~~. Such staff shall operate the games without compensation from the bingo revenues.

~~VII.] IV.~~ The games of bingo shall be open only to persons 18 years of age or older who are bona fide guests at the campground or hotel.

~~VIII.] Licenses shall be granted only to campgrounds or hotels in cities or towns which have approved bingo under RSA 287-E:~~

~~IX-] V.~~ No campground or hotel shall act as an agent for operating games of bingo when it is unlawful for such campground's or hotel's principal to operate bingo games.

~~X. The campground or hotel holding the license issued under this section shall keep records and submit a report as required for agricultural fairs under RSA 287-E:10, VIII, except that the report shall be submitted to the commission within 15 days of the expiration of the bingo license. The report shall include the names and addresses of persons from whom bingo equipment was rented or leased.~~

~~XI.] VI.~~ The campground or hotel shall have been in existence for at least 2 years in the city or town in which the bingo games are to be conducted.

[XII. The campground or hotel shall be in compliance at the time of application with all applicable state and local requirements for the operation of private campgrounds or hotels.

XIII.] VII. The campground or hotel shall maintain a current list of bona fide guests.

[XIV.] VIII. The campground or hotel shall not have been established solely for the purpose of operating bingo games.

15 Campground Bingo. Amend the introductory paragraph RSA 287-E:13 to read as follows:

Any campground or hotel [~~holding a license under RSA 287-E:12~~] may conduct special bingo games for children under the conditions specified in RSA 287-E:12, except:

16 Payment to Distributor. Amend RSA 287-E:23-a to read as follows:

287-E:23-a Payment to Distributor. Licensees shall pay for purchased tickets no later than 30 *calendar* days after delivery. ***Unless a waiver is given by the commission for good cause shown, no charitable organization may purchase tickets from a different distributor when that charitable organization has failed to comply with the provisions of this section.***

17 Financial Reports and Inspection Required. Amend RSA 287-E:24, IV to read as follows:

IV. All expenses ***shall be paid by check, or electronic funds transfers, and all cash prizes [over] of \$500 or more*** shall be paid by check, and the charitable organization shall retain cancelled checks ***or bank produced facsimiles of cancelled checks*** for the payment of expenses and ***checks or bank produced facsimiles of checks and receipts for the payment of prizes for a period of 2 years.***

18 Pari-Mutuel Breakage; Cross Reference. Amend RSA 284:22-a, VII to read as follows:

VIII. RSA 284:22, I, II, ***and*** III, [~~and IV~~] shall apply according to the type of race on which the simulcast wagers are made, excepting, however, interstate common pools as provided in RSA 284:22-a, V(b) and that the provisions made for purses made in RSA 284:22, I shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating or transmitting such simulcast races or to the horsemen's group of such association.

19 Campground Bingo. Amend RSA 287-E:4, II to read as follows:

II. Such fee shall be submitted to the commission at the time the application for a bingo license is filed and [~~except as provided in RSA 287-E:12~~], shall be refunded if the application is denied.

20 Racing Purses. Amend RSA 284:22, I-II to read as follows:

I. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8 1/4 percent of each dollar wagered in all pari-mutuel pools,

said 8 1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the racing and charitable gaming commission. The racing and charitable gaming commission shall distribute such breakage to the licensee which paid such breakage ~~[to supplement purses of live races conducted by the licensee at the location from which such breakage was paid]~~. Each licensee shall pay the tax provided for in RSA 284:23.

II. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which harness horse races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 25 percent of each dollar wagered in such pools and not more than 26 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live harness horse racing after written notice to the commission and, in the absence of such written notice, at the rate of 25 percent of each dollar wagered in such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the racing and charitable gaming commission. The racing and charitable gaming commission shall distribute such breakage ~~[to the licensee which paid such breakage]~~. Each licensee shall pay the tax provided for in RSA 284:23.

21 Repeal. RSA 284:22, IV relative to breakage on pari-mutuel pools, is repealed.

22 Effective Date. This act shall take effect 60 days after its passage.

2011-0687s

AMENDED ANALYSIS

This bill:

- I. Defines game operator employers.
- II. Requires that game operators pay charities participating in charitable gaming no later than 15 business days following a game date.
- III. Raises the amount of bond required for conducting games of chance.
- IV. Requires charitable organizations to collect certain fees on lucky 7 deals and pay them to the racing and charitable gaming commission.
- V. Allows private campgrounds and hotels to conduct certain bingo games without a license.
- VI. Allows the racing and charitable gaming commission to distribute breakage to pari-mutuel licensees without consideration of live racing.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 136-FN Ought to Pass with Amendment. This is a housekeeping bill requested by the racing and charitable gaming commission to update various statutes in order to streamline certain processes, better protect charities, and increase efficiency. Some of the bills components include setting a date certain of no later than 15 days after a game date by which game operators must pay the participating charity, raising the bond requirement for conducting games of chance, and allowing private

campgrounds and hotels to conduct certain Bingo games without a license. This change was made because these games carry a maximum bet of only 10 cents. Therefore, it is not an efficient use of the commission's time to regulate them.

The committee amendment simply makes some additional technical corrections to the bill. The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax. Re-refer to committee, Vote 5-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you again, Mister President. I move Senate Bill 155-FN be re-referred to committee. This bill would allow businesses to apply the federal section 179 expense deduction for the purchase price of equipment. This would be a fairly significant change, as New Hampshire currently allows businesses to deduct up to \$20,000 worth of equipment, and the federal allowance is \$500,000.

During the committee hearing, questions were raised about the possibility of a business taking advantage of the deduction in the year in which they purchased the equipment and then selling the equipment a year or two later. There is a possibility we may be able to recapture some of the credit if that was to occur, but the Committee would like more time to work on the bill to ensure that our questions are answered and to fully determine the impact versus the value of this legislation. The Ways and Means Committee asks for your support for the motion of re-refer to committee. Thank you.

(The Chair recognized Sen. Prescott for a question of Sen. Luther.)

SENATOR PRESCOTT: When you read the committee response just now, were you using paper? What was that?

SENATOR LUTHER: No, this is not paper. It's an iPad.

SENATOR PRESCOTT: It's an iPad!

SENATOR LUTHER: Yeah. There's the text right there, versus...

SENATOR PRESCOTT: Well, that's a first, isn't it?

SENATOR LUTHER: Yeah, that is a first. Versus this, and this... Yes.

SENATOR PRESCOTT: Wonderful. Thank you for answering the question.

SENATOR LUTHER: My pleasure.

(The Chair recognized Sen. Sanborn for a question of Sen. Luther.)

SENATOR SANBORN: Senator Luther, are you finding your day easier to navigate with your iPad?

SENATOR LUTHER: Navigate is a good word; yes. I am; I'm able to go through all the windows, I'm able to see...I'm able to see the bill, I'm able to see the amendments, I'm able to see the committee reports and the docket and the Senate Calendar, and also my comments, all right on here. Yes.

SENATOR SANBORN: Thank you, sir.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 167-FN-A-L, establishing a production jobs creation credit under the business enterprise tax and making changes affecting small business to the business profits tax, the business enterprise tax, and the meals and rooms tax. Re-refer to committee, Vote 5-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. And, I'm navigating with paper quite well. Thank you, Mister President. I move Senate Bill 167 be re-referred to committee. This bill makes a variety of changes to New Hampshire tax laws affecting businesses. The changes are designed to make New Hampshire a more business-friendly state, and some bring New Hampshire in line with federal standards.

While some of the proposals in this bill appear to be good policy decisions, others are less clear, both in terms of practicality as well as impact. This is a difficult time to make changes in tax laws that could result in significant revenue loss to the State. The Committee believes this bill requires more work in order to better determine the exact fiscal impact.

The Ways and Means Committee asks for your support for the motion of re-refer to committee. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 182-FN-A-L, relative to video lottery and table gaming, providing property tax relief for local economies, providing services for problem gamblers, and promoting tourism and public safety. Re-refer to committee, Vote 6-0. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I'll make this short and sweet. I move Senate Bill 182 be re-referred to committee. The concept contained in this piece of legislation is not a new one; it's something many of you have seen before. However, the Committee would like more time to examine the bill.

The Ways and Means Committee asks your support of the motion of re-refer to committee. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Lunch recess. Out of recess.

AFTERNOON SESSION, COMMITTEE REPORTS RESUMED

Sen. Rausch moved to remove SB 194 from the table.

The question is on the motion to remove SB 194 from the table. Adopted.

Sen. Carson asserts Rule 2-15 on SB 194.

EDUCATION

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you. The Stratham campus has been a significant piece of property that the community technical college system has

been trying to divest itself of. And, I just wanted to make sure that this piece of legislation didn't have any unintended consequences in regard to sale of that property; I have been assured that it does not. And, with that, I would absolutely support Ought to Pass.

The pending question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Carson asserts Rule 2-15 on SB 194.

SPECIAL ORDER

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 3-FN-A-L, making comprehensive changes to the state retirement system. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Executive Departments and Administration
March 8, 2011

2011-0701s

10/04

Amendment to SB 3-FN-A-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For ~~all~~ members *who have attained vested status prior to July 1, 2011* the full base rate of compensation paid, *as determined by the employer*, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities ~~for other extra or special duty~~, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. *Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.* However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include com-

pensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For members who begin service after June 30, 2011 or who are not in vested status on July 1, 2011 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity pay, cost of living bonus, additional pay for extracurricular and instructional activities, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. Earnable compensation shall not include incentives to encourage members to retire, severance pay, and pay for unused sick or vacation time. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

2 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For members who have attained vested status prior to July 1, 2011, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of

the years in his or her creditable service if less than 3 years. *For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.*

(b) For members who began service after June 30, 2011 or have not attained vested status on July 1, 2011, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

3 Maximum Initial Benefit; Effective 2016. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, ~~[for members who commenced service before July 1, 2009;]~~ a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of ~~[earnable compensation]~~ **full base rate of compensation paid.** ~~[For members who commenced service on or after July 1, 2009, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.]~~ Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances under RSA 100-A:41-a.

4 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II **who is in vested status before July 1, 2011**, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, **and any group II member who commenced service after June 30, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d).**

5 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, *who is in vested status before July 1, 2011*, who has attained age 45 and completed 20 years of creditable service, *and any group II member who commenced service after June 30, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members not in vested status on July 1, 2011 as provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in service* who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before July 1, 2011*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service after June 30, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 50 years, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *is in vested status before July 1, 2011* and has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, *and any group II member who commenced service after June 30, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

(d) *Active group II members who are not in vested status on July 1, 2011 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on July 1, 2011 according to the following table:*

<u>Creditable service on July 1, 2011</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
(1) Less than 4 years	24	age 49	2.1%
(2) At least 4 years but less than 6 years	23	age 48	2.2%
(3) At least 6 years but less than 8 years	22	age 47	2.3%
(4) At least 8 years but less than 10 years	21	age 46	2.4%

6 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, *for members who are in vested status before July 1, 2011*, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary disability retirement, *or for members who commenced service after June 30, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 50 at the time of ordinary disability retirement, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50* provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

7 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement.

(1) *For members who are in vested status before July 1, 2011*, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) *For members who commenced service after June 30, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 50 years.*

(3) *For group II members not in vested status on July 1, 2011 calculation of the supplemental allowance shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the number of years for the supplement adjusted proportionally.*

8 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) For members who are in vested status before July 1, 2011, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, **or for members who commenced service after June 30, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d),** or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

9 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member who is in vested status before July 1, 2011 and, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) For a member who commenced service after June 30, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.

(c) For group II members not in vested status on July 1, 2011, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.

10 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 **for members who are in vested status with group II service before July 1, 2011 or at least 50 for members who commenced group II service after June 30, 2011, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d),** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

11 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

~~[Employees of employers other than the state 5.00~~

~~Employees of the state hired on or before June 30, 2009 5.00~~

~~Employees of the state hired after June 30, 2009 7.00~~

Teachers 5.00

Permanent Policemen 9.30

Permanent Firemen 9.30]

Group I members, 7.00, provided that for any group I member whose contribution rate on June 30, 2011 was 5.00, the rate for the state fiscal year beginning July 1, 2011 shall be 6.00, and for the state fiscal year beginning July 1, 2012 and each state fiscal year thereafter the rate shall be 7.00.

Group II members, 11.30, provided that for any group II member whose contribution rate on June 30, 2011 was 9.30, the rate for the state fiscal year beginning July 1, 2011 shall be 10.30, and for the state fiscal year beginning July 1, 2012 and each state fiscal year thereafter the rate shall be 11.30.

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members ***who are in vested status before July 1, 2011 with creditable service in excess of 40 years and group II members who commenced service after June 30, 2011 with creditable service in excess of 50 years, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50,*** as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member ***who is in vested status before July 1, 2011 with creditable service in excess of 40 years, and any group II member who commenced service after June 30, 2011 with creditable service in excess of 50 years, and group II members not in vested status on July 1, 2011 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50,*** as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is

made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

12 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint 2 trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of one of the nonmember trustees shall be for a term of one year. The remaining ~~[11]~~ **10** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen]:~~ **one employee member, one teacher member, one permanent police member, one permanent fireman member, 4 employer members;** one member of the senate who shall be appointed annually by the senate president, **and** one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house~~[-and one person representing management in local government]~~. Whenever a vacancy occurs **for a legislative member**, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association~~[-and the New Hampshire Local Government Center]~~ shall each annually nominate from their members a panel of 5 persons, all of whom ~~[except for the panel of the Local Government Center]~~ shall be active members of the retirement system~~[-or one of the 4 predecessor systems]~~, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels the governor and council shall appoint ~~[one person annually to]~~ **the active member trustees of the board**~~[-except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~ **as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees.** Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member

who shall serve for the unexpired term [~~from the same panel from which the former member was appointed~~]. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

13 Quorum. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee, including the chairman, shall be entitled to one vote in the board of trustees. [~~Seven~~] **Six** trustees shall constitute a quorum for the transaction of any business of the board of trustees. [~~Seven~~] **Six** votes shall be necessary for any resolution or action by the board at any meeting.

14 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to changes to the retirement system board of trustees made by this act, upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I.

15 Repeal of Special Account Funding. RSA 100-A:16, II(h)(2), relative to the method of allocating funds to the special account, is repealed.

16 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. A group I member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined [~~under RSA 100-A:16, II(h)~~] **by the trustees** or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

17 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions

shall be paid within 3 months after his or her written request therefor. A group II member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined ~~[under RSA 100-A:16, II(h)]~~ **by the trustees** or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

18 Medical Benefits Subsidy; Payment by Retirement System. Amend RSA 100-A:52, II to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$101.50 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$64 per month. As of July 1, 1991, and on each July 1 until and including July 1, 2007, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases. After July 1, 2007 ~~[and until and including July 1, 2011]~~, the rate payable under this paragraph shall not be increased. ~~[As of July 1, 2012, and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 4 percent, compounded on previous increases.]~~

19 New Sections; Retirement System; Return to Work; Statement Required. Amend RSA 100-A by inserting after section 27 the following new sections:

100-A:27-a Return to Work; Suspension of Benefits. Beginning January 1, 2012, no person shall be hired into a full-time position for which membership is required under RSA 100-A:3, or hired into a full-time state position for which membership is optional under RSA 100-A:3, I, while concurrently receiving a retirement benefit under this chapter. Benefits shall be suspended during any such period of employment. No person who retires after January 1, 2012 and is receiving retirement benefits under this chapter shall within 6 months of his or her retirement be employed by the state or another participating employer.

100-A:27-b Statement Required. The retirement system shall provide to employers a form to be signed, dated, and submitted by persons hired by the employer containing a statement establishing that the person is not currently receiving an allowance under this chapter. Employers shall submit such forms to the retirement system.

20 Repeal. 2002, 137:7, relative to the application of the repeal of former RSA 100-A:3, I(c), is repealed.

21 Transfer Required; Retirement System. The board of trustees of the retirement system shall forthwith transfer the sum of \$89,000,000 from the group II components of the special account established under RSA 100-A:16, II(h) to the state annuity accumulation fund.

22 Study Committee Established; Voluntary Defined Contribution Plan. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

I. The members of the committee shall be as follows:

(a) One member of the senate, who shall be from the executive departments and administration committee, appointed by the president of the senate.

(b) Three members of the house of representatives, each of whom shall be from the executive departments and administration committee, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

23 Repeal. The following are repealed:

I. RSA 100-A:16, III-a, relative to employer assessments for excess benefits paid by employers in the retirement system, is repealed.

II. RSA 100-A:4-b, relative to group I employees and teachers purchase of credit for out-of-state service.

III. RSA 100-A:4-c, relative to group II members purchase of credit for out-of state service.

24 Severability. If any provision of this act or the application of such provision to any person or circumstance is held invalid or is deemed not to comply with applicable law or regulations of the Internal Revenue Service so as to jeopardize the retirement system's status as a qualified governmental pension plan, the invalidity or non-compliance does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

25 Applicability; Contingent Amendment. If any provision in sections 1-10 of this act is found by the New Hampshire Supreme Court to be invalid as to active members of the New Hampshire Retirement System on the effective date of this act, section 26 shall take effect for the first payroll period beginning 10 days from the date of such decision. The board of trustees of the retirement system shall certify to the secretary of state and the director of legislative services the date of such occurrence.

26 Member Contribution Rates; Contingent Version. The introductory paragraph of RSA 100-A:16, I(a) and the contribution rates following the introductory paragraph are repealed and reenacted to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of

the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Group I members, 8.00.

Group II members, 12.30.

27 Effective Date.

I. Sections 1, 2, and 4-18 of this act shall take effect July 1, 2011.

II. Sections 19 and 20 of this act shall take effect January 1, 2012.

III. Section 3 of this act shall take effect July 1, 2016.

IV. Section 26 of this act shall take effect as provided in section 25 of this act.

V. The remainder of this act shall take effect upon its passage.

2011-0701s

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Eliminating the special account.

V. Eliminating the retirement system funding of medical benefits premium payments.

VI. Increasing contribution rates.

VII. Establishing a voluntary defined contribution plan administered by the board of trustees.

VIII. Limits when a member in service may concurrently receive benefits.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 3-FN-A-L Ought to Pass with Amendment. This bill makes various changes to the benefits of current non-vested members and future members, and to the administration of the retirement system. These changes are necessary so that we are able to establish two important goals: that we have a retirement system that is stable and viable, and that the burden of the unfunded liability is equitably spread to property taxpayers. There were some technical areas that needed to be addressed in the bill, and those were addressed in the amendment. SB 3 came out of Committee with a vote of 4-1 in favor. We ask for your support in the adoption of Senate Bill 3. Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

Sen. Bradley, Dist. 3

March 10, 2011

2011-0797s

10/03

Floor Amendment to SB 3-FN-A-LOCAL

Amend the bill by replacing all after section 24 with the following:

25 Effective Date.

I. Sections 1, 2, and 4-18 of this act shall take effect July 1, 2011.

II. Sections 19 and 20 of this act shall take effect January 1, 2012.

III. Section 3 of this act shall take effect July 1, 2016.

IV. The remainder of this act shall take effect upon its passage.

SENATOR CARSON: Thank you, Mister President. All this amendment does is it removes section 25 and section 26 of the bill. This is the contingency clause that many found objectionable. So, what I've done, and Senator Bradley, is we've decided that we're going to take this out. So, that's all it does. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise simply to support the adoption of this amendment and applaud those who listened to the concerns of the punitive effect of this, and thank you for your support on this.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I rise to express my concern – one of which was just alleviated – but, express my concern with some of the remaining provisions of Senate Bill 3 that may pose constitutional questions. And, I'd request that, in light of the following issues I'll discuss, that this body consider a Senate Resolution that requests an opinion of the Justices concerning those questions as they're raised.

I would note that the New Hampshire Supreme Court has ruled in *Janeau v. New Hampshire Personnel Commission*, for example, that employee members are vested – and I'm using their language – vested upon attaining permanent employment status. The effect of Senate Bill 3 is to diminish benefits for employees that are permanent employees but have fewer than 10 years of service. So, my first question is whether legislation changing the benefits for employees that have reached permanent employment status but have not been employed for 10 years would violate the New Hampshire Constitution; that's the first issue that I would ask that we send to the Justices for an opinion.

The second issue that I have is, Article 36-a of the New Hampshire Constitution states, "all contributions and payments made to any such system to provide for retirement and related benefits shall be held, invested, or disbursed in trusts for the exclusive purpose of providing for such benefits, and shall not be encumbered for or diverted to any other purposes." My second question, therefore, is whether the diversion of the \$89 million from the special account to the corpus of the pension fund violates that provision of the New Hampshire Constitution; that would be the second question.

And, finally, I would just ask my colleagues to consider the expenses that will accrue as a result of litigation that is likely to follow passage of SB 3 as amended. And, therefore, would ask my colleagues to join me in consideration of sending a Resolution to the Justices of the Supreme Court to resolve those questions; then we can move forward without a cloud of litigation. Thank you very much, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I would speak against what I believe will be a motion subsequent to my speaking to table the bill so that the advisory opinions of the New Hampshire Supreme Court can be sought, as my good friend from the Upper Valley has just asked us to do. Let us not forget that there currently is litigation on a past bill that was passed in 2008 – House Bill 1645 – and it's very unlikely, in my opinion, that the Court, in the middle of pending litigation on this subject, would give us an advisory opinion on Senate Bill 3. So, I would urge my colleagues to vote down the tabling motion, which I suspect will come next. Thank you.

Sen. Larsen moved to Table SB 3-FN-A-L.

The question is on the motion to Table.

A roll call was requested by Sen. Larsen, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Motion failed.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 6

March 15, 2011

2011-0895s

05/10

Floor Amendment to SB 3-FN-A-LOCAL

Amend the bill by replacing section 3 with the following:

3 Maximum Initial Benefit; Effective 2016. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit.

*I. Notwithstanding any other provision of this chapter to the contrary, [for members who commenced service before July 1, 2009,] a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of [earnable compensation] **full base rate of compensation paid**. [For members who commenced service on or after July 1, 2009, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.]*

II. In addition to any other benefit or payment under this chapter, if a member has reported compensation for any year of the member's creditable service which exceeds the member's maximum initial calculation of benefit under this paragraph, the member's contributions attributable to the amount exceeding the maximum initial benefit for each of those years shall be repaid to the member as a lump sum within 90 day of the member's retirement date.

III. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c).

*IV. This [provision] **section** shall not limit the application of supplemental allowances under RSA 100-A:41-a.*

SENATOR HOUDE: Thank you very much, Mister President. I rise to offer Floor Amendment 0895s, which seeks to amend a basic inequity in SB 3 as amended. SB 3 as amended addresses the concept of what is known as "maximum initial benefit" by placing a cap on an employee's retirement benefit not to exceed 100 percent of the member's full base rate of compensation. This is also commonly referred to as the "100 percent rule". Floor Amendment 0895s seeks in no way to alter such a provision in SB 3, but rather seeks a level of fairness for employees by allowing for repayment to members those contributions to the system that cannot be counted toward their awardable pension benefit. Again, in simple terms, if a police officer has worked or continues to work X amount of

overtime hours that cannot be counted toward his or her retirement benefit because such calculation would exceed 100 percent of the member's base rate of compensation, thus making such earnings unattributable under SB 3 as amended, why should that police officer be forced to pay a contribution into the system for a benefit he or she will ultimately not receive? I ask my colleagues to recognize this inequity in SB 3 as amended and further ask for their support on Floor Amendment 0895s. Thank you, Mister President.

SENATOR BRADLEY: Thank you very much, Mister President. I would urge my colleagues to vote against this amendment. I had made this suggestion to my good friend from Concord last night, that the concept in this amendment be brought to the Finance Committee, and if in fact there is an issue – and I don't believe there is – but if there's an issue, I'd like it to be done in the light of day with the appropriate amount of discussion, as opposed to on the fly on the floor. Let's not forget that what we are talking about here are the opportunities to recover spiked benefits and the like. We need to think about this carefully, and we need to do so, I think, at the Finance Committee, if there is indeed an issue.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: Senator Bradley, if this were to fail as a floor amendment, can we anticipate that it would still be a topic of discussion in the Finance Committee, given that it has some validity and it's a good case that those who pay into a system, if they can't receive it back in benefits, ought to be credited for that?

SENATOR BRADLEY: Well, Senator, I encouraged you last night to take it to the Finance Committee; I would encourage you to continue to do so. The operative word is "if" there is a problem, and I think that this is something that needs to be looked at carefully, not on the fly on the floor.

SENATOR LARSEN: Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Floor Amendment failed.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

March 15, 2011

2011-0905s

10/09

Amendment to SB 3-FN-A-LOCAL

Amend the bill by replacing section 19 with the following:

19 New Sections; Retirement System; Return to Work; Form Required. Amend RSA 100-A by inserting after section 27 the following new sections:

100-A:27-a Return to Work; Suspension of Benefits. Beginning January 1, 2012, no person shall be hired into a full-time position for which

membership is required under RSA 100-A:3, or hired into a full-time state position for which membership is optional under RSA 100-A:3, I, while concurrently receiving a retirement benefit under this chapter. Benefits shall be suspended during any such period of employment. No person who retires after January 1, 2012 and is receiving retirement benefits under this chapter shall within 6 months of his or her retirement be employed by the state or another participating employer.

100-A:27-b Form Required. The retirement system shall provide to employers a form to be signed, dated, and submitted by persons hired by the employer containing such information as determined necessary by the retirement system and a statement establishing that the person is not currently receiving an allowance under this chapter. Employers shall submit such forms to the retirement system.

SENATOR HOUE: Thank you very much, Mister President. I rise to offer Floor Amendment 0905s. This amendment addresses section 19 of SB 3 as amended, the section so referenced as "Return to Work" identifies an issue that has come to light in recent years, commonly referred to as "double-dipping". SB 3 as introduced would have eliminated the opportunity for double-dipping, the practice where an employee will retire, subsequently collect his or her pension, and then return to active employment at a reduced hourly or part-time capacity. However, SB 3 as amended allows for the practice of double-dipping to continue with the implementation of a six-month buffer period before a retiree can reenter state service. This is problematic from an administrative standpoint for the following reasons: First, the retirement system actuaries make a number of assumptions when they establish appropriate employer rates; one such assumption is that certain full-time classified positions are occupied by full-time employees, and thus such employees are paying the established and appropriate employee contribution into the retirement system. If part-time employees are occupying such positions, then consequently no contribution is being made into the system. Two, if assumed contributions are not being made from an actuarial standpoint, the resulting rates, from an actuarial standpoint, can be manipulated and may not reflect actual dollars into the system, resulting in a underfunding of both real pension costs and the portion paid toward the unfunded accrued liability.

Floor Amendment 0905s seeks to accomplish one simple thing: help the retirement system and its actuaries accurately identify the employees that are engaging in double-dipping so that the positions that they occupy can be tracked and the losses to the system that they represent can be accurately accounted for. I propose doing this, as indicated in line 12 of the floor amendment, by allowing for the New Hampshire retirement system to collect employee data from employers as they deem necessary to identify and account for the extent of the issue. This would be accomplished through the use of a simple form to be generated accordingly and with expertise, of course, of the retirement system.

At its most basic, in conclusion, this floor amendment allows for the collection of already available data that will help identify so-called "double-dippers" and allow for such an activity to be actuarially accounted for in calculating pension contributions and costs. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. My good friend from the Upper Valley, I agree with line 12, and I agree with lines 1 through 11 of your amendment, and 13 through 16, as well. But, let me

just say this with regard to double-dipping: It is currently against state law to retire and to be a full-time position and to be currently retired. And, I think that – I would like to think, at least, that when we're done with Senate Bill 3, we will strengthen those provisions to make sure that the perception of people retiring and then resuming a full-time position while they're collecting their retirement benefit is something that we curtail and curtail significantly. So, I thank you for the amendment, and I urge its passage.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I'd like to welcome the students of Sant Bani School from Sanbornton who are with us here today.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Merrill offered a floor amendment.

Sen. Merrill, Dist. 21

March 15, 2011

2011-0910s

10/04

Floor Amendment to SB 3-FN-A-LOCAL

Amend the bill by replacing section 12 with the following:

12 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint 2 trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of one of the nonmember trustees shall be for a term of one year. The remaining ~~[11]~~ **10** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen];~~ **one employee member, one teacher member, one permanent police member, one permanent fireman member, 4 employer members;** one member of the senate who shall be appointed annually by the senate president, **and** one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house~~[-and one person representing management in local government]~~. **Provided, however, that the senate and house of representatives appointees shall be nonvoting members of the board, and** whenever a vacancy occurs **for a legislative member**, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association~~[-and the New Hampshire Local Government Center]~~ shall each annually nominate

from their members a panel of 5 persons, all of whom ~~[except for the panel of the Local Government Center]~~ shall be active members of the retirement system~~], or one of the 4 predecessor systems]~~, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels the governor and council shall appoint ~~[one person annually to]~~ ***the active member trustees of the board***~~], except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~ ***as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees.*** Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term ~~[from the same panel from which the former member was appointed]~~. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

SENATOR MERRILL: Thank you, Mister President. I rise to offer Floor Amendment 0910s. This floor amendment provides language intended to decrease the potential for the politicizing of decision-making by the New Hampshire retirement system board of trustees. It does so by stipulating that the two legislative members of the board of trustees shall be nonvoting members. Elected representatives and Senators who serve on the board of trustees act as conduits between the retirement system board and the State Legislature, and rightfully so, as so many decisions pertaining to the scope and shape of the NHRS fall under the purview of the Legislature. And, it's my understanding that the original intent of including legislators on the board was that they in fact serve in a liaison role.

I believe that legislators serving on the New Hampshire retirement system board of trustees should be free to carry out their fiduciary duty to protect the overall health and benefit of the retirement system without the potential for conflict between legislative decision-making regarding bills that may address aspects of the retirement system on one hand and decision-making regarding the overall health of the retirement system that, on the other hand, a legislator board member encounters as a member of the board of trustees, a voting member.

I ask that my colleagues consider these potential conflicts and take a step toward removing politics from the New Hampshire retirement system by supporting Floor Amendment 0910s. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I'm concerned about this amendment. There's 13 trustees, and only two of the trustees would be members of the General Court; I think that's a very small percentage; I don't think that's going to bring any significant level of politicization, and I think we have an oversight role in that. So, two out of 13, last time I counted, that's a small fraction. So, I would urge you not to support this amendment.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. D'Allesandro, seconded by Sen. Merrill.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Floor Amendment failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

March 15, 2011

2011-0896s

05/10

Floor Amendment to SB 3-FN-A-LOCAL

Amend the bill by deleting section 21 and renumbering the original sections 22-27 to read as 21-26, respectively.

SENATOR D'ALLESANDRO: Thank you so much, Mister President. Knowing that I come to you all from the historical perspective, let me tell you this is the 21st time that the retirement system has been addressed by this legislative body since its inception in 1967. So, it's a matter that keeps coming up.

My amendment deals with the transfer of \$89 million. And, I'd like to let all of my colleagues know that I believe that we have legal challenge in the making as a result of this transfer. And, as the Majority Leader indicated, there is currently a legal challenge over the transfer of \$250 million.

In 2007, House Bill 653 changed the methodology to entry-age normal and restricted the flow of funds to the special account, and added a trustee from the public employees to the board. House Bill 876 created a commission to study the long-term viability of the system, and during fiscal year 2007, the trust gained 16 percent, and close the year with a fund ratio of 63.4 percent. A report on November 13, 2007, by Ice Miller, LLP, was brought to the board of the New Hampshire retirement system on funding of employer-provided retiree health insurance. The \$89 million that's being discussed in Senate Bill 3 is a result of a \$26 million transfer that's discussed in the Ice Miller independent legal counsel report to the board of trustees. Recommendations from the report on page 2 were recommending that the board seek approval from the Internal Revenue Society to correct the FY 1990 through FY 2000 series of transfers. The method for correcting this transfer is participation in the IRS Voluntary Correction Program, or the VCP. As part of the VCP submission, we believe it would be reasonable to propose that the IRS approve the return of the \$26 million from the 401h sub-trust to the pension reserve, with interest determined at the appropriate rate. The New Hampshire retirement system assumed investment rate of return for each year. However, the amounts cannot be transferred without prior IRS approval. Again, this correction and the appropriation total amount would be determined pursuant to negotiations with the IRS. The transfer of \$89 million of special account money to the state accumulation fund breaches an agreement

entered into by the retirement system and the IRS, and reverses a vote of the New Hampshire retirement board authorizing a transfer of \$89 million from the medical sub-trust back to the special account where the \$89 million originally came from. The agreement with the IRS was recommended by the New Hampshire retirement system outside legal expert, Ice Miller, who expressly recommended that this money be returned to the special account. The transfer of special account money to the corpus of the fund also contributes a prohibited transaction under IRS rules and violates the New Hampshire Constitution, Part 1, Article 36-a. The prior transfer of \$250 million from the special account to the corpus is the subject of an ongoing lawsuit, and Senate Bill 3 will likely amount to another legal diversion of money raised and authorized exclusively to pay for employee pension benefits. So, I think there's a legal question here about the flip of the \$89 million. And, rather than risk another legal challenge, I ask that you support my amendment, which prohibits the transfer of the \$89 million. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much. This is one of those mind-numbing forays into the actuarial world of the New Hampshire retirement system and all the machinations that have happened over the years.

Let me try to simplify this as best I possibly can. The IRS has a ruling that says pension dollars should be used for pensions, not for other employment benefits, such as the medical subsidy. And so, as a result of this IRS ruling, the monies that were deposited into the medical sub-trust – the \$250 million that Senator D'Allesandro references – went back into the body – the word corpus is the body of the retirement account. The Group II dollars, the \$89 million, for whatever reason, never were transferred back into the body of the account. During that time that this was all taking place, though, the medical subsidy, which is not a direct pension benefit, but is an adjunct to the pension and administered by the New Hampshire retirement system, instead of being funded by the medical sub-trust, became an employer responsibility – let's remember that: The burden shifted to the employers for this medical subsidy. The medical subsidy has an unfunded liability right now of \$976 million, and it has about \$50 million of assets. It's 5.6 percent funded, and it is exclusively today an employer responsibility. So, this money that was generated over time should go back as a result of this IRS ruling to accrue to the benefit of the employers, because that's what the IRS ruling says, and that would destroy it with the purpose of this amendment. So, I would urge my colleagues to protect taxpayers, to send the money where it belongs, and to vote against this amendment.

(The Chair recognized Sen. D'Allesandro for a question of Sen. Bradley.)

SENATOR D'ALLESANDRO: My distinguished colleague from Wolfeboro, Land of Lakes and Wonderful Boats – and, as Senator Rausch points out, "Go slow, boats."

Senator, thank you for taking my question. Senator, did you consider the fact that the actuaries are not in line with the policy you're proposing, and why did you choose to go against their advice if your goal is to have a more solvent pension fund?

SENATOR BRADLEY: Senator, this is an employer responsibility now, the medical trust, as I just outlined – the unfunded liability of the medical trust is \$976 million, on top of the unfunded liability and the pension portion of the New Hampshire retirement system, which is \$3.7 billion,

for a total unfunded liability of \$4.7 billion. Way back when, the medical trust was not an employer responsibility; it is today. It's a large part of the unfunded liability, it's a large part of the employer rates. This money should go to balance out the employer responsibility.

(The Chair recognized Sen. D'Allesandro for a follow-up question of Sen. Bradley.)

SENATOR D'ALLESANDRO: So, in essence, if this \$89 million flips, what it does is reduces the employer's contribution, is that correct?

SENATOR BRADLEY: What this money would do, if it goes back into the body of the pension plan, is reduce the unfunded liability of the pension plan by \$89 million, and it would accrue over time. Let's remember, employers, my good friend from Manchester, who loves to go fast, we are talking about protecting property taxpayers here, and your amendment, unfortunately, would leave – well, never mind. Your amendment would not protect property taxpayers. I thought I could get something on Senate Bill 27 in there, but I couldn't.

SENATOR D'ALLESANDRO: Thank you, thank you very much. Thank you very much, Senator Bradley.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. D'Allesandro, seconded by Sen. Barnes.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Floor Amendment failed.

(The Chair recognized Sen. D'Allesandro for a question of Sen. Bradley.)

SENATOR D'ALLESANDRO: Senator Bradley, by moving the \$89 million, are we eliminating the special account?

SENATOR BRADLEY: No. We are not eliminating the special account, nor, if you have a question on the gain-sharing provision, which was adopted by yourself and former members of the Senate, I believe in 2008, or 2007, on House Bill 653, your provision for gain-sharing precludes the ability to siphon money out of the pension fund for other benefits, similar to what we were just discussing. Now, there are other proposals from our friends across the wall that would pull all the remaining balance of the special account and put it into the corpus. This bill does not do it. The – and, I think I'm going to anticipate your question – what the provision does for the special account is make sure that we never allow gain-sharing to come back in the future. We build on the work that you did several years ago and make sure that the money that is generated for pensions by both employers and employees stays in the pension to pay for the pension. One of the reasons why we're having this debate today, Senator D'Allesandro, is that \$900 million was siphoned out of the pension fund to pay for other post-employment benefits.

SENATOR D'ALLESANDRO: Thank you very much, Senator Bradley. But, clearly, for the record, you are not going to eliminate the special account.

SENATOR BRADLEY: I thought I said no.

SENATOR D'ALLESANDRO: Good, thank you very much. I love that: positive no.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: Earlier, you indicated that the \$89 million would help in the unfunded liability of the pension system. And yet, we heard from the actuarial folks that, in a fiscal note that they authored, the system actuarial, that the bill would have virtually no effect on the unfunded liability, but would affect the normal pension costs. So, how do you justify moving this legislation forward when the actuaries say, in fact, it does not affect the unfunded liability and does not work to address that?

SENATOR BRADLEY: Senator, you must not be reading the same fiscal note that I'm reading; I'd be happy to let you look at my copy of it. Because actually, the unfunded liability on the original bill, is reduced by \$700 million. Now, I would wish it was more, quite frankly. When you have a \$4.7 billion unfunded liability, you can't have a magic bullet to fix it. And, I'd be the first one to admit that all of these provisions in the original bill and in the amendment, which I think has improve the bill, it's still not a magic bullet. But, the unfunded pension liability is reduced by about \$400 million and the unfunded medical subsidy liability is reduced by about \$300 million. So, I think that's a very significant improvement. And, what really is the problem, as I see it, is the employer rates. Let's remember, the State's an employer, the counties are employers, our cities and towns are employers, but who's paying the bill? Senator Larsen, it's primarily property taxpayers. And, while I haven't been here that long, I know that you have been a very effective champion for property taxpayers. But, the rates that property taxpayers, through cities and towns and the State and their counties are paying for employees now has shot up and is going to continue to escalate dangerously. And, this is the problem with the \$4.7 billion dollar unfunded liability. This bill makes great progress; it will bring those employer rates down to just a little bit higher than they are today. We won't see the tremendous spike that's coming if we pass this bill, and that's what's at stake here.

SENATOR LARSEN: But so, are you not, in fact, asking more of the employees? We recognize over the history of this account, primarily, the employee funds have gone to offset the employer funds over the years; the employees' rates were higher while the employers' rates were able to be much lower. So, aren't we, in fact, returning to that pattern?

SENATOR BRADLEY: No, absolutely not. If you look at what today's employer rates are for employees – for employees, it's roughly 11 cents on the dollar; for teachers, a little bit higher; for police, about 19 cents; and for firefighters, about 24 cents. That's – just to use the firefighter number – it's 24 cents on the dollar. On July 1st, the firefighter rates are going to go to 29 cents; the police rates, 25 cents, and on down the line. In two years, it's projected that the firefighter rates are going to go to 34 cents, and the police rates 30 cents and the teacher and employee rates continue to escalate. And, just as a point of comparison, the employer-employee match for Social Security is about 13 percent split evenly. So, when we talk about employer rates that are that high, this has huge ramifications, not only for the property taxpayers, who are largely going to foot the bill, but for the ability of the cities and towns, the State, the counties to be able to afford basic services if the cost of retirement is so extreme. And, this is the conundrum, Senator Larsen, that we face.

Rating agencies are starting to look at unfunded liabilities to pensions; New Hampshire has the fourth worst unfunded liability in the country as determined by Bloomberg in a September survey. So, it's possible – and, I don't want to say it's going to happen – but, as Moody's and Fitch and Standard and Poors look at these issues, it could well impact our bond rating. And then, as that happens, and the ramifications of this spread, through higher property taxes impact will have a large effect on our ability to attract new stable employers to New Hampshire. So, this is a problem that we can no longer put off a solution for. So, yes, there is an amount of requests, if you will, that are made of the current employees. We do next to nothing for current retirees; it's very limited for vested employees, somewhat more for non-vested employees, and new hires get most of the reforms in this measure. It's fair, it is a compromise. Ideas were brought to us from people that are in the Retirement Security Coalition, which we've adopted. So, I would urge you to think about the long-term implications for the State and for property taxpayers and join with me in trying to fix this problem that we can no longer avoid.

SENATOR LARSEN: Would you believe that I believe it's important to balance the needs of property taxpayers with the promises we've made under contractual obligations to our employees, and the need to keep competent teachers, firefighters, police officers, who don't leave the system?

SENATOR BRADLEY: I absolutely would agree with you, and, Senator Larsen, we have, I think, gone to great pains to do exactly that: to be very fair to everybody in the system. Let's not forget that at today's very high rates for employers, which means taxpayers, they're going to stay very high for a long, long time. We just prevent the future coming spike. And, I wish it was more. But, we have got to do it, or this system is going to become increasingly unsustainable.

SENATOR LARSEN: Thank you.

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

March 15, 2011

2011-0916s

10/04

Floor Amendment to SB 3-FN-A-LOCAL

Amend the bill by replacing sections 1-11 with the following:

1 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For [aH] members *who commenced service prior to July 1, 2011*, the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preced-

ing the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For members who commenced service after June 30, 2011, the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity pay, cost of living bonus, additional pay for extracurricular and instructional activities, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 5 years of creditable service as provided in paragraph XVIII. Earnable compensation shall not include incentives to encourage members to retire, severance pay, and pay for unused sick or vacation time. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and

permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

2 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For members who commenced service prior to July 1, 2011, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years.

(b) For members who commenced service after June 30, 2011, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 5 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

3 Maximum Initial Benefit; Effective 2016. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit.

I. Notwithstanding any other provision of this chapter to the contrary[;]:

(a) For members who commenced service before July 1, 2009, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation.

(b) For members who commenced service on or after July 1, 2009 and before July 1, 2011, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.

(c) For members who commenced service on or after July 1, 2011, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the member's highest year of full base rate of compensation paid.

II. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This [provision] section shall not limit the application of supplemental allowances under RSA 100-A:41-a.

4 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years

of age to be eligible. If the vested deferred state retiree is a member of group II *who commenced service before July 1, 2011*, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, *and any group II member who commenced service after June 30, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age.*

5 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, *who commenced service before July 1, 2011*, who has attained age 45 and completed 20 years of creditable service, *and any group II member who commenced service after June 30, 2011 who has attained age 50 and completed 25 years of creditable service*, or *any group II member in service* who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) A state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years.

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *commenced service before July 1, 2011 and* has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, *and any group II member who commenced service after June 30, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service*, shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

6 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary disability retirement, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

7 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to $\frac{2}{3}$ of his *or her* average final compensation at the time of [his] disability retirement. For any group II member who has more than $26\frac{2}{3}$ years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to $2\frac{1}{2}$ percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of $26\frac{2}{3}$ but not in excess of 40 years.

8 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) *For members who commenced service before July 1, 2011*, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, *or for members who commenced service after June 30, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed*, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

9 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member *who commenced service before July 1, 2011 and*, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) *For a member who commenced service after June 30, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.*

10 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 *for members who commenced service before July 1, 2011 or at least 50 for members who commenced after June 30, 2011*, and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable

service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

11 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees of employers other than the state ***hired on or before June 30, 2011, 5.00***

Employees of the state hired on or before June 30, 2009, 5.00

Employees of the state hired after June 30, 2009, 7.00

Teachers ***hired on or before June 30, 2011, 5.00***

Permanent Policemen ***hired on or before June 30, 2011, 9.30***

Permanent Firemen ***hired on or before June 30, 2011, 9.30***

Group I members hired after June 30, 2011, 7.00

Group II members hired after June 30, 2011, 11.30

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members ***who commenced service before July 1, 2011*** with creditable service in excess of 40 years ***and group II members who commenced service after June 30, 2011 with creditable service in excess of 50 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member ***who commenced service before July 1, 2011*** with creditable service in excess of 40 years, ***and any group II member who commenced service after June 30, 2011 with creditable service in excess of 50 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

SENATOR LARSEN: All the other floor amendments now have been considered at this point, and Floor Amendment 916 takes all the provisions offered in Senate Bill 3 and applies them only to new hires. The amend-

ment additionally seeks to retain the current escalator of 2.5 percent for the purposes of calculating an employee's pension benefits, rather than the 2 percent escalator implemented in Senate Bill 3, which represents a 20 percent reduction in benefits for those workers who are already being asked to work longer and contribute more while they receive lesser benefits in return.

I rise to oppose the bill now before it goes to Finance, while there's still time to work with both the employer and the employee groups. Senate Bill 3 tilts the balance of fairness by overriding the concerns of those who participate in the State Retirement Security Coalition and represent all of those who contribute to the retirement system. There are an estimated 75,000 active and retired New Hampshire citizens who contribute over \$500 million to the New Hampshire economy. Together, in the last four years, with the Coalition, we have already made significant progress supporting sound policy changes that will ensure the long-term sustainability of the New Hampshire retirement system. While some would portray that the state employees and retirees are stubbornly opposing any changes, the evidence shows otherwise. In the last four years, important concessions were made to safeguard the long-term sustainability of the fund, including transferring \$250 million – that includes funds from employee contributions – out of the special account to help offset employer rate increases. Further, we passed offsetting another 200 – more than \$200 million – in potential employer cost increases last session through House Bill 2 budget changes. We discontinued gain-sharing, through which funds flowed into the special account, we changed the primary funding mechanism to entry-age normal, we created a commission to study the long-term viability of the retirement system, we created an advisory investment committee comprised of significant financial and investment experience to add expertise to the investment decisions, we added a public employer member to the board of trustees, we closed the groups of New Hampshire retirement membership who were entitled to a medical subsidy. All of those concessions were made in just the last few years. More recently, the coalition of Group I and Group II members have agreed to reduce the board of trustee members down to 10, but making legislative members non-voting. They've agreed to increase the number of years over which we calculate employees' final average compensation from three to five years. There has been agreement that increasing the employee contribution from five to seven for Group I new hires and from 9.3 to 11.3 for Group II new hires. They've also agreed to increase Group II retirement age from 25 years of service and 50 years of age.

What we cannot agree on, however, is placing the entire burden of funding Senate Bill 3 and adjusting the fund upon the back of employees in the state retirement system such as Senate Bill 3 proposes. That's why we've proposed these amendments, to strip out the most egregious sections. We believe for those who are vested, some of the changes in Senate Bill 3 will be found unconstitutional. Most state courts have found that pensions are a form of deferred compensation, and are therefore a contract protected under the contract laws of Article 1, Section 10 of the United States Constitution, and our own New Hampshire Supreme Court has repeatedly found that: "Vesting occurs upon the commencement of permanent employee status." Senate Bill 3 represents a breach of contract and a broken promise. The bill shifts the entire burden of paying the debts of the retirement system onto the backs of New Hampshire workers, despite the fact that they have consistently paid their fair share. I urge you to reconsider your support for Senate Bill 3 as amended, and

to in fact consider, as many of you have had discussions with employees from around the state, that it is in fact right that we would address new hires, but that we do not do this to whom we have made a promise and contracted with. Thank you for your attention.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you, Mister President. I do rise in support of Floor Amendment 0916. As Senator Larsen said, many of you have had conversations with members of the retirement system employees, and I have as well. And, in many of my conversations and meetings with these employees, we discussed all of these issues at length. But, I think one of the things that really rose to the top was the issue of new hires. And, some of the conversations and I think the concerns that SB 3 should really be only pertaining to new hires has to do with the fact, and you heard from Senator Larsen, who stated many of the changes that we have made over the last four years; we've worked very hard on those changes, we've worked together in collaborative efforts, and we did so so that this pension would be available to our employees and those who are members and going forward and to be able to sustain that pension plan. Those plans have just been in effect and haven't been there long enough to even take place. And, I believe that we can stabilize a lot of what we've already done and this plan by moving forward with the changes that you proposed, except for our amendments, and only have them apply to new hires.

We hear a lot about trying to balance our finances and how difficult this is this year, and we're all working hard and understand that. But, at the same time, I think it is not reasonable to think about balancing our finances on the backs of our teachers, our police officers, and our firefighters. One of the other concepts and principles I hear and heard a lot today was fairness. Senator Bradley, you spoke about fairness. And, I think that is what we're talking about today. And, I think that to move this amendment forward to only include new hires is fair. Those members who are currently working, who have put themselves out – I mean, I think about police officers and our firefighters – I know many of you have spoken with them, and I even rode – I have been with them in ride-alongs three times – I see what kind of work that they're doing. They do that kind of work by relying on what we have promised; they have planned this with their families, and they move forward in that way. And, I think that we owe them that kind of fairness, to rely on what has been already promised to them.

And, another concern that I have, when we talk about the reality of finances, but I also have a concern about the reality of our safety of our state and our communities. I am really concerned that if this applies to our current members and not just new hires, we are putting ourselves at risk in our communities and our state, in particular with our police officers and firefighters. And, I urge you to consider that. Another – Something that I've heard quite a bit about today was putting this on the backs of property taxpayers. Well, I will tell you that we are talking about 75,000 people who are police officers, who are firefighters and teachers, and they, every single one of them, are property taxpayers. So, I urge you to support the Amendment 0916s. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, in debating this bill, I think we're showing the true reason for a

Senate: to bring things out, to discuss them, and to make decisions. And, I can count, and I appreciate that. I had a pretty good math teacher when I was in the eighth grade: Sister Nathaniel, Sister of Saint Joseph, and she gave me every mechanism that I needed to count. So, I'm a pretty good counter.

But, let me say this, because I think this is the most important thing: We have a number of people out there who are very concerned about what we're doing. In the City of Manchester, we have 83 firefighters who can retire. We have 40 members of our police department that can retire. If indeed there's a perception that they are going to be the ultimate losers in this game, then the City of Manchester is going to lose 120 public officials. We're not going to be able to replace them immediately, and there's a significant cost to the buyouts.

So, I think we should carefully examine this. And, the thing that bothers me the most is the erroneous information that's flowing around the area. The unfunded liability – what's the exact number? You know, I was at a meeting on Monday evening when a member of the House said the unfunded liability was \$7 billion. And, we're going to take care of this – there's not a problem. We were going to produce – the House is going to produce a balanced budget, send it over here with no increase in fees, no push-down to the communities, everything was going to be perfect. I understand the real life drama. I think we have to be careful about what we say, we have to be concerned about what we do, and have a transparent situation across the board. We are affecting the lives of every person in the State of New Hampshire. I'm a property taxpayer; I've had the honor of owning my home for the last 45 years. I've lived in the same house for the last 40 years; pay my taxes every year. I get a wonderful service from the City of Manchester: I get good fire, good police, good education for my children. So, I think we should be careful about what we do and how we do it. And, as I say, we've got to be transparent in how we address this situation.

The discussion we've had today I think is an important one; it has brought to light a number of things that people were concerned about, and I appreciate the Majority Leader's ability to address that situation. But, I think, going forward, we have a serious situation here – a situation that affects not only everyone seated in this hall, but every person in the State of New Hampshire. And, we've got to do this with good heads, with good thoughtfulness, and with quality information. The more tainted the information that gets out, the more problematic this becomes. Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I appreciate the opportunity to speak on behalf of voting down this amendment. I have taken this very seriously about going to the people that are most affected by this change in the retirement system. I've had three meetings in the last two days. And, I have 10 towns. And, I know bill is going to Finance, so I plan on getting to the seven other towns. But, it has been resounding, when I go to visit the different police station or fire station that they understand that the retirement board has said we have a \$4.7 billion problem; we are 58 percent funded. They get it. And, they are willing to spend the extra on their retirement to go from 9.3 percent to 11.3 percent for the Group II and also the Group I increases. They're willing to take the spread of the counting of extra duty for police to make

it seven years. They understand that the ones that are not vested are the ones that can't continue to do the buyouts, which really are causing a big deficit to happen further and further into the future. They understand that. I have a friend of mine who was the best man of my brother's wedding – 25-year veteran of the Exeter Fire Department. He said to me that this is coming, I knew it had to come, because it just can't be sustainable. The police chief of my town where I grew up has said the same thing, other than, he does have a concern – and I have that concern – about return-to-work section of this bill. We're going to lose a lot of historic knowledge if some of these people who want to retire aren't able to work again, and not wait six months, and lose their ability to work as a police officer. I have concerns about that, but I feel as though by voting down this amendment, bringing forth the full amendment that was done in the Committee, brought out of Committee, and brought to the Finance Committee, I can work further on correcting that problem if I can.

The other thing is that we address the many people who are going to retire if you affect my retirement when I'm vested – we have not done that. This is only the change in those that are non-vested in terms of increase in time and age and the amount of time to go forward with their employment.

And, I've come away from all of those meetings knowing that we are doing the right thing, we're on the right path, and we have a long way to go 'til June, and I'm looking forward to the continued process.

And, last of all, I want to thank one of the fire people that I met last night at 9:00 at a meeting. And he said, "Good luck, today." And, I will say the same thing to the Senate: Good luck. But, I know luck doesn't come without hard work. Thank you very much for doing that, the Senate body and whole. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I also would rise in opposition to this amendment. I feel that first of all, we need to come to reality with the fact that during the long hearing when we did have the retirement people in front of us from the system, including actuaries – they all came – I pointedly asked the question that if we confined our reforms to new hires only, would there be any impact on the unfunded liabilities of the system. The answer was a resounding no. There is no impact to the unfunded liability if all the reforms only encompass new hires. So, that's a fact that was stated in the hearings clearly, unequivocally. So, we've got to do more than that.

We on the ED&A Committee tried to be cautious – great caution was put into what we've deliberated about. We tried to be fair – great fairness. I mean, these things are weighty issues. To think that we're callous about it or dismissive about people's concerns is simply not the truth. We cared. But, we had to consider everyone. Senator D'Allesandro said pointedly that this is going to affect everyone, and that is a true statement. We had to consider those that are currently receiving a benefit. And, the feeling was that those people were the most vulnerable, the least likely to be able to absorb any sort of changes, and so that's how we left it; we left them alone. Then we had to consider those that are vested – 10 years or more in the system – and approaching retirement, thinking about retirement, planning for retirement, and we realized that those people had little room for error and little room to plan, so we had to be

compassionate toward those, and we did that, as we did very little with them. Then we had to consider those that were in the system but not yet vested – less than 10 years in the system. And, frankly, I think we made our biggest movement toward those people because of the hearing process. One thing I heard over and over again was from the person who said to me, “Ray, I’ve got eight years in, I’ve got nine years in; it’s not fair that you’re going to make changes on me; I’m almost at 10 years. In fact, if you just move that effective date another few months, I get by.” And so, we heard that. And, a major change was made to phase in the impact on those people – a huge concession with a lot of thought because of that input. Then lastly, I didn’t hear from these people, but we had to consider those that were re-hired, those new hires. Certainly, it would be unfair if we said, “Well, to you that have not yet been hired, you’re going to pay 20 or 30 percent toward your pension.” But, the fact of the matter is, the only way, if we confined our changes to new hires only, we would have to put some astronomical burden on them in order to address the unfunded liabilities and the funding ratio of the plan. That would not be fair. So, we had to consider those people too; we’ve got to be fair to the people not yet hired.

Then we had to consider the employers – the towns, the cities, the schools – under tremendous financial pressure: escalating cost on the pension plan, school boards saying to me, “This thing is going to kill us; we can’t hire teachers and paraprofessionals.” We hear from towns: “I can’t pave my roads; I can’t hire that extra fireman, that extra police officer.” We heard that; we cared; we had to balance their concerns.

And then, lastly, of course, the taxpayers. The taxpayers: Sometimes they get left out of the argument a little bit. The taxpayer who, right now, has probably seen his or her retirement plan greatly impacted in the last few years – greatly impacted. Maybe they lost their defined benefit plan; maybe they lost their defined contribution plan; maybe they lost their job. Somebody had to listen to those people. And, that was a concern, and we were concerned about that. The taxpayer, who maybe is working two jobs to keep inside of his house, or three, and none of them have a pension; they matter, too.

And then, myself, my own background: I’m a certified financial planner, I’m a chartered financial consultant. Besides all the emotion that I’ve just talked about that we’ve had to listen to, the fact of the matter is, this is about the math and about the numbers. The math doesn’t lie; the numbers don’t lie: There’s a big hole here. And so, we had to look at it in that light, like I have to do when I do financial planning with a client, I had to be antiseptic and unemotional, and just say, “What is going to be fair to every stakeholder? If I could remove myself from all the influences and just do what’s fair to everybody, what would we do?” And, I’m sure everybody on ED&A took that approach.

And, I’ll just say this: that this is a defining moment, for me, anyway, as a freshman. This is a big issue; it’s a huge issue. This will have an impact to my kids, my grandkids; I mean, this is big. It’s a lot of money; you know, we’re going to wrestle with that budget in a while, but it pales in comparison to the kind of dollars we’re talking about here, and the kind of impact. We need to step up and do the hard thing, because if we think we’re going to just leave it for others, let’s deal with it in another couple of years, or whatever, it’s going to get exponentially worse – exponentially worse. And, quite frankly, I’ll say this to those that oppose what we are doing today – I know there are a lot of opposition from

people that are in the pension system, but I'll say this: Consider the grave choices that could be made in the future if we fail to act today. If we don't look at the problem and say, "We're going to get ahead of this thing and solve it before it really deteriorates," unbelievably horrific choices could be made by future taxpayers who get so angry that they may do things that none of us today would think are reasonable. The potential is there for that. We have to take action.

Actuarially unsound practices happened in the past: gain-sharing was actuarially unsound. There is no such thing as excess earnings to anybody who does investments. No matter what you earn – 50, 60 percent – the long-term averages – it's all about the numbers. The long-term averages always come back to the mean. Those things should never have happened. Unsound practices like letting people buy into the system. The fact of the matter is, 70 percent of benefits paid are from the earnings, not from the contributions of either the employee or the employer. Time and money go together to do miraculous things; that's how big numbers grow. So, that was just actuarially unsound. Things happened in the past, hard medicine's got to be swallowed, it's got to be swallowed right now, and it's got to apply to everyone with the fairness that I outlined. And, that's what we need to do. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. White.)

SENATOR LARSEN: Senator White, one of the – you spoke well of the need to balance issues. One of the statements you said is that we left retirees alone. But, by taking the \$89 million and emptying the special account, are we not going to be challenged to ever be able to come up with the cost of living adjustment, particularly for those who we know are retired teachers with maybe \$12 to \$18,000 a year? That's how we've always paid the cost of living allowance increases, and so I don't see where that's going to come from now, and I'd be interested to hear your thoughts.

SENATOR WHITE: Well, I would say this; I would say two answers to that question: First of all, if we can get the system on the right track, eventually, earnings could help in that direction. And, the General Court could recognize, if the actuaries came back to us and said: "Hey, look, we have increased our funding ratio by thus over the number of years," the General Court is always free to grant a COLA. So, let the General Court do what the General Court does. But, the fact of the matter is, that I would think retirees are more concerned with receiving a pension than they are an inflated or COLA pension at this point; we're in that much peril. We need to do the right thing. COLA's are nice, but people – we need to keep our promises to the best of our ability and to be sustainable for the future so we're not having the conversation again and again in a few years. And, quite frankly, as you know, Senator Larsen, you have to make a hierarchy of the important things, and COLA's have to move down in the scheme of things right now.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: I would echo what Senator White said, and he took up most of what I said, so I'll be very brief.

First of all, the change that was made to accounting methods in 2007 was a very needed change. But, it was a change to accounting methods; it just simply recognized the problem we were in. I want to point out that after 2007, the unfunded liability increased by \$1 billion, which is indication that change of accounting method doesn't solve a problem.

Next, the 20-year average on earnings in our system is 7.8 percent. The presumed rate of return that we've been using is 8.5 percent. 20-year average is 7.8 and we've been using 8.5. To me, that's almost unconscionable. The 10-year average is 2.3 percent. My colleagues know that I compromised for this bill. I frankly don't think it goes deep enough. I think we're going to have to revisit it in two or three years if the return rates are lowered to what some of the projections are. I hate to be a doomsayer, but this – I agree with Senator White: this is essential that we make these changes. The longer we wait, the more of a problem it's going to become.

Now, I want to throw a couple of numbers out to bring it down into a smaller scope. First of all, we have 50,000 active members in the system. If you take the \$4.7 billion unfunded liability and divide it by member, we are unfunded – our unfunded liability is \$94,000 per member – \$94,000 per member. Now, if you take it to another example that all of us would recognize, because I think most, if not all of us, have mortgages on our homes. If you had a \$300,000 mortgage on your home and you were having a difficult time paying the payments on that mortgage and you went to the bank and you wanted to refinance, you wanted to spread it out over another 30 years, you wanted to do whatever, and the banker said: "Your home is only worth \$172,000; we're not going to renegotiate anything. Your home is only worth \$172,000." I think most homeowners – not all – but most homeowners would walk away from that mortgage. God forbid that a state retirement system would ever walk away from their liability in such a way. But, I want to remind you that before federal Congress right now, there is discussion of a state...a way for states to declare bankruptcy in an organized manner. And, why is that there? Because states have such an extreme unfunded liability that they don't see a way out, and there are states that are considering bankruptcy. I never want New Hampshire to get to that point. And so, we need to make this decision, we need to make the decision now; it's tough medicine, but it needs to be done and it needs to be done now. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I also serve on the ED&A Committee, and my wife is part of the retirement system; she is a professor in the community college system. She's not vested; she's been in for eight years. And, as I talked to her about this, she said: "You've got to save this."

According to the New Hampshire Center for Economic Policy, if we don't do anything, the system runs dry in 11 years. Also, if you look at Bloomberg, we have moved up by four ranks in unfunded – we have gone from eighth place to fourth place in one year. We're going in the wrong direction. We, as the State Senate and the House, we need to deal with these tough issues. And, if we don't deal with this, there won't be any money left in the system. These are the tough choices we need to make; I need to do that for my wife, we need to do that for everybody in this state. So, I would suggest that we support SB 3 without these amendments. Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Floor Amendment failed.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. Just to recap a couple of things. These books, which are produced by the actuary, are not nighttime reading. They give us nightmares. If you look at the executive summary, today we have a \$4.7 billion unfunded liability. But, when we deal with the return on investment, which we have to do, that unfunded liability will escalate by nearly \$1 billion overnight. The unfunded liability, under the current system, that some of you have touted today, will continue to grow until 2024.

The reforms that have been talked about: the freezing of the medical subsidy that's under litigation, the return of the \$250 million that Senator D'Allesandro – again, under litigation. There were some good reforms: the actuarial methodology, the moving the investment panel into a separate panel and eliminating gain-sharing. At the end of the day, this bill is fair. As Senator White outlined, current retirees: no impact; vested retirees: yes, some impact, primarily an increase in the contribution level and an inability to spike benefits. More of the work-rule changes are in place for the non-vested. But, we listened to those who asked for a compromise; those, as Senator Prescott outlined, said: "Gee, I'm in my ninth year; is that really right?" So, we phased in the age requirements. We kept the five-year averaging, and we made sure that unused sick and vacation time are not able to go into the equation, and we make those all apply to new hires, too.

If there's just a couple of things to remember from this debate...The gravity and the magnitude of this debate have certainly made this issue resound for all of us. But, the two things to remember is this bill begins to make sure that the retirement system is stable and viable for the people that depend on it. And, it makes sure that some of that unfunded liability burden is absorbed by people who are getting the benefit of the retirement system.

I commend this bill to you. I thank the ED&A Committee and the great Chair for the work on it, and, quite frankly, the courage of those who will vote for it today, because it was just three years ago in this very room, the folks that were urging that we just make these reforms apply to new members today fought that three years ago. Now, if that had been done three years ago, it wouldn't have solved the problems, but it would have put us a little bit further ahead of where we are today. Let's not make the same mistake today; let's begin the process of fixing the retirement system and make sure that New Hampshire has a retirement system that works for current retirees, for future retirees, and for taxpayers. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Gallus, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Committee on Finance (Rule 4-3).

Recess. Out of recess.

Sen. Barnes moved to remove SB 160-FN from the table.

The question is on the motion to remove SB 160-FN from the table.

Adopted.

COMMERCE

SB 160-FN, relative to the definition and regulation of installment loans.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. White for a parliamentary inquiry.)

SENATOR WHITE: Thank you, Mister President. Are we roll-calling the amendment or are we roll-calling the bill? What are we doing here?

PRESIDENT BRAGDON: The amendment has already passed, so we are roll-calling the motion before us, which is Ought to Pass as Amended. If this motion passes, the bill will go to Finance; if this motion fails, it will be open for further motions.

The pending question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Forrester, Bradley, Forsythe, Sanborn, White, Luther, Lambert, Carson, Boutin, De Blois, Morse, Stiles, Bragdon.

The following Senators voted No: Gallus, Houde, Groen, Odell, Kelly, Larsen, Barnes, Rausch, D'Allesandro, Merrill, Prescott.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Committee on Finance (Rule 4-3).

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 12-FN, relative to screening panels for medical injury claims.

SB 70-FN, relative to remedies in landlord-tenant actions.

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

SB 106, naming the visitor center at Jericho Mountain state park for Robert Danderson.

SB 152-FN, relative to participation in state employees' group insurance by members of the general court.

SB 162-FN, relative to federal health care reform 2010.

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education.

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Bradley: SB 154-FN.

Sen. White: SB 162-FN.

Sen. Carson: SB 194.

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

HB 30, relative to reciprocity for licensure by the board of veterinary medicine.

HB 31, relative to insurance payments for ambulance services.

HB 33, relative to the care of memorials in Franconia Notch state park.

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 46, relative to the membership of the current use advisory board.

HB 52, relative to grounds for modification of parental rights and responsibilities.

HB 58, relative to inter-facility transfers of critical access hospital patients.

HB 71, authorizing establishment of pharmaceutical drug take-back programs.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 109, relative to residential fire sprinklers.

HB 114, reinstating and expanding the duties of the joint legislative historical committee.

HB 133, relative to the minimum wage.

HB 134, relative to eligibility for walking disability plates.

HB 141, relative to protected utility services.

HB 144, relative to energy efficiency and clean energy districts.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

HB 156-FN-A, reducing the rates of the tobacco tax.

HB 158, relative to the misuse of social security numbers.

HB 175, relative to technical changes in life, accident, and health insurance.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

HB 186-FN, relative to the definition of political communication.

HB 190, relative to legislative study committees.

HB 191, relative to the community mental health system.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program.

HB 205-FN, relative to notice to owners of upstream dams.

HB 206-FN, establishing an apprentice hunting license.

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act.

HB 218, repealing the New Hampshire rail transit authority.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 229-FN-A, repealing the tax on gambling winnings.

HB 231-FN, relative to payment of medical benefits for state retirees, their spouses, and dependents.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 248, establishing a commission to study business regulations in New Hampshire.

HB 251, relative to absentee ballots.

HB 254, relative to offers of judgments.

HB 257, relative to removal of political advertising.

HB 258, eliminating certain unenforced election laws.

HB 262-FN, relative to beverage manufacturers.

HB 274, relative to voting procedures.

HB 276-FN, relative to wine manufacturers.

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.

HB 284-FN, relative to contact lens prescriptions.

HB 290, relative to staffing exceptions for small schools.

HB 291, relative to permissible fireworks.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 305, relative to the homestead right.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

HB 322, relative to occupancy fees charged by manufactured housing park owners.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

HB 330-FN, relative to carrying firearms.

HB 331-FN, relative to posting agency expenditures on the state transparency website.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine.

HB 335-FN-A, establishing multi-use number plates.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator.

HB 341, relative to local spending caps.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

HB 358, relative to the maintenance, repair, and preservation of burial grounds.

HB 368-FN-L, relative to workforce housing and the definition of community.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

HB 370, making changes to the pupil safety and violence prevention act.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force.

HB 381, authorizing net metering for micro-combined heat and power systems.

HB 382, relative to the maintenance of municipal public cemeteries.

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces.

HB 397, relative to image display devices in motor vehicles.

HB 398, relative to service animals.

HB 401, relative to postsecondary training for workers with disabilities.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks.

HB 405, relative to dissolving corporations.

HB 409, relative to planning board members.

HB 411, relative to distributing campaign materials at the polling place.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

HB 419-FN, relative to language in insurance certificates.

HB 424, relative to surplus lines tax collection.

HB 426, adding certain entities to the unused prescription drug program.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission.

HB 431, relative to psychiatric evaluations.

HB 439-FN-L, relative to claiming an invasive species as a habitat.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

HB 444-FN, relative to the commemoration of General John Stark Day.

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.

HB 451-FN, relative to prerecorded political messages.

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

HB 466-FN, eliminating the ballot law commission.

HB 478-FN-L, relative to testimony by video teleconference.

HB 483-FN-L, relative to mosquito control.

HB 487-FN, relative to election day registrants.

HB 489-FN, establishing a health information organization corporation.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan.

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

HB 505-FN, making charter schools eligible for grants for leased space.

HB 508-FN, establishing a performance measurement system for state agencies.

HB 520-FN, requiring certain bills to have performance standard notes.

HB 521, relative to meeting dates for county conventions.

HB 524-FN, relative to the release of prisoners on probation or parole.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program.

HB 532-L, relative to municipal liability for dog bites.

HB 540-FN, relative to motor vehicle inspections.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

HB 544, relative to state authority over firearms and ammunition.

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels.

HB 549, relative to driver's license reexaminations.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.

HB 565, establishing a dental hygienists committee within the board of dental examiners.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.

HB 579, exempting department of revenue administration guidelines from the right-to-know law.

HB 588, relative to polling hours and location of polling places.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 594, relative to the application of procedures for discharge or suspension from county employment.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 601-FN, relative to implementation of federal health care reform.

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

HB 617, repealing the prohibitions on Sunday business activities.

HB 621-FN-L, relative to the authority of the department of transportation.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

HB 627-FN, relative to "essential benefits" under federal health care reform.

HB 629-FN, relative to the uninsured health care database.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information.

HB 647, relative to withholding of wages.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 32, relative to statutory references to the choice and duties of town auditors. (Public and Municipal Affairs Committee.)

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. (Energy and Natural Resources Committee.)

HB 42, relative to the appropriate officials with whom to file for a primary. (Public and Municipal Affairs Committee.)

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act. (Energy and Natural Resources Committee.)

HB 45, relative to the Connecticut Lakes headwater citizens committee. (Energy and Natural Resources Committee.)

HB 47, relative to inactive license status for real estate brokers and salespersons. (Executive Departments and Administration Committee.)

HB 51, relative to screening panel members for screening panels for medical injury claims. (Judiciary Committee.)

HB 55, adding a member to the exotic aquatic weeds and species committee. (Energy and Natural Resources Committee.)

HB 56, relative to proper observance of September 11, 2001. (Public and Municipal Affairs Committee.)

HB 63, extending the instream pilot program for one year. (Energy and Natural Resources Committee.)

HB 70, relative to changes to town charters. (Public and Municipal Affairs Committee.)

HB 72-FN-A, establishing a state aeronautical fund. (Transportation Committee.)

HB 74, relative to the ticketing and season passes at Cannon Mountain. (Energy and Natural Resources Committee.)

HB 79, relative to certification of dogs for law enforcement work. (Judiciary Committee.)

HB 80, relative to ranks in the division of state police. (Executive Departments and Administration Committee.)

HB 82, relative to the annulment of criminal records. (Judiciary Committee.)

HB 86, relative to filling a vacancy among county officers. (Public and Municipal Affairs Committee.)

HB 88, relative to liquor enforcement and liquor licensing. (Executive Departments and Administration Committee.)

HB 92, relative to expiration of licenses issued by the board of foresters. (Executive Departments and Administration Committee.)

HB 93, relative to medical documentation for a crossbow permit for a person with a disability. (Energy and Natural Resources Committee.)

HB 95, permitting an insurer to operate a health maintenance organization as a line of business. (Commerce Committee.)

HB 106, relative to filing for town offices. (Public and Municipal Affairs Committee.)

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility. (Public and Municipal Affairs Committee.)

HB 119, relative to agency membership on the information technology council. (Executive Departments and Administration Committee.)

HB 132, adopting and implementing the United States flag code. (Public and Municipal Affairs Committee.)

HB 136-FN, repealing the uniform athlete agents act. (Executive Departments and Administration Committee.)

HB 142-FN, relative to sales of artificial flowers and miniature flags. (Commerce Committee.)

HB 143, relative to the sale of stove polish. (Commerce Committee.)

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. (Executive Departments and Administration Committee.)

HB 155, relative to permits to conduct raffles. (Public and Municipal Affairs Committee.)

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie. (Energy and Natural Resources Committee.)

HB 173, relative to service of process on commercial tenants. (Commerce Committee.)

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings. (Judiciary Committee.)

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. (Public and Municipal Affairs Committee.)

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining. (Public and Municipal Affairs Committee.)

HB 195, relative to special permits for transportation of deer. (Energy and Natural Resources Committee.)

HB 198, relative to the investment options for county funds. (Public and Municipal Affairs Committee.)

HB 230, exempting the repair of certain structures from compensatory mitigation requirements. (Energy and Natural Resources Committee.)

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division. (Judiciary Committee.)

HB 278, setting the natural high water mark of Ossipee Lake. (Energy and Natural Resources Committee.)

HB 288-FN-L, relative to payment for election services to unincorporated places. (Public and Municipal Affairs Committee.)

HB 299-FN, relative to the method of financing for the judicial retirement plan. (Executive Departments and Administration Committee.)

HB 307, relative to the authority of the superintendent of a county correctional facility. (Judiciary Committee.)

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program. (Judiciary Committee.)

HB 336, designating segments of the Mascoma River as a protected river. (Energy and Natural Resources Committee.)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (Executive Departments and Administration Committee.)

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. (Executive Departments and Administration Committee.)

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee. (Public and Municipal Affairs Committee.)

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. (Executive Departments and Administration Committee.)

HB 510, requiring marital masters to be New Hampshire residents. (Judiciary Committee.)

HB 511, relative to retired judges over 70 years of age. (Judiciary Committee.)

HB 535, relative to the committee to study parole boards and parole board procedures. (Judiciary Committee.)

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river. (Energy and Natural Resources Committee.)

HB 570, relative to licensure of guides by the fish and game department. (Energy and Natural Resources Committee.)

HB 572-FN, relative to official oppression. (Judiciary Committee.)

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. (Judiciary Committee.)

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (Public and Municipal Affairs Committee)

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. (Judiciary Committee.)

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. (Health and Human Services Committee.)

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following Senate legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

11-1087

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Kelly, Dist 10; Larsen, Dist 15; Merrill, Dist 21; Houde, Dist 5; D'Allesandro, Dist 20; Boutin, Dist 16: Commerce)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 23, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

You and I have four more weeks together, and then I'm going away on sabbatical for almost four months. I'm going to go to Chiang Mai, Thailand, where I have two side-by-side apartments, one for me and one for my friends, who are going to join me in rotation over that entire time; eleven friends are joining me, one at a time. It'll be a time of rest and it'll be a time of deepening friendships.

Sabbath Rest is called for in every religious tradition, and even called for by the community of medical professionals, for those who embrace no religious tradition at all. When God, in the Genesis myths, created the world, he named Sabbath Rest as "Holy" or "Tszadech". It is the first time He used the word "Holy", and it's the only time in Scripture he used it for a time; every other time Holy is used, it's referring to a place.

As you do this hard work of making systems and laws under such financial and relational hardship, do take the time to give yourselves time for Sabbath. Rest and silence softens hard hearts. Rest and silence recalls that we're loved, and so need not speak or act out of our insecurities. Rest and silence gives integrity to our words. Let us pray.

God of all creation, You created a world which rests every 18 hours with the fall of night. So quiet our hunger for power and accomplishment that we can rest and keep silence, so that when we are rested and peaceful, our words and our actions are not so much to control and manipulate, but to enliven and encourage.
Amen.

Sen. Luther led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I would like to introduce Mason Prata: age 17, grade 12, from Woodsville High School in Woodsville. His favorite school subject is math; his favorite book is *Everlost* by Neal Shusterman. His extracurricular activities include Friends of Rachel, which is an anti-bullying program, and he's in New Hampshire JAG. In the future, he'd like to attend medical school and become a doctor or a psychologist. Thank you, Mason.

I'd also like to introduce David Peart; he's from Woodsville High School as well, and he lives in Haverhill. He's 18 years old and in grade 12. His favorite school subject is math; his favorite book is *The Martian Chronicles* by Ray Bradbury. His extracurricular activities include New Hampshire JAG, and he plays in a band: he plays guitar and he sings. I asked him if he would sing for us and he declined. But, he does, just in case anyone is interested, his band, which is Anderson Lang, will be touring this summer in New England. And, in the future he hopes to have a successful career in the music industry. Thank you, David.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Good morning ladies and gentlemen, I'd like to introduce Ian Hill. Ian Hill, whose father is actually a first-term Representative from Northfield, New Hampshire, over in the House. Ian's 15 years old; he's in the ninth grade at Tilton School. His primary focus is on English. His extracurricular activities include golf, theater, hiking, rock climbing, and writing. I'm very proud of Ian, because he's also made the decision to pay his own way through college and started his own custom doughnut-making shop and travels around the District selling custom doughnuts. But, unfortunately, because his family was on vacation and they flew home last night so he could be here today, forgot doughnuts, but has promised to bring the Senate a wide selection of doughnuts that he makes, because we know the Senate President loves doughnuts.

When I asked Ian what he wanted to be when he grew up, suggesting that being a State Senator was a strong accomplishment for all of us in the room and something to be considered, he appreciated my comments, but indicated he wants to be Governor. Please welcome Ian Hill.

Without objection, President Bragdon has given Sen. Luther leave to use an electronic device to experiment with an online version of the Senators' Session Day binders.

COMMITTEE REPORTS**ENERGY AND NATURAL RESOURCES**

SB 100, relative to the size limitations on OHRVs, and the operation of OHRVs on state-owned trails. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources**March 17, 2011****2011-0993s****10/04****Amendment to SB 100**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle.

Amend the bill by replacing section 1 with the following:

1 ATV and Trail Bike Operation on State Lands; Jericho Mountain State Park. Amend RSA 215-A:43, VII(c) to read as follows:

(c) A person may operate an OHRV within Jericho Mountain state park which weighs up to [~~1,200~~] **1,600** pounds and is no wider than [~~60~~] **65 inches on specifically designated trails within Jericho Mountain state park.**

2011-0993s**AMENDED ANALYSIS**

This bill increases the size and weight limits for OHRVs allowed on designated trails in Jericho Mountain state park. The bill also adds a definition of utility terrain vehicle.

SENATOR BRADLEY: Thank you very much, Mister President, and good morning. I move Senate Bill 100 Ought to Pass with Amendment. Senate Bill 100 increases the size limitations for off-road vehicles operating on State-owned trails and excepts certain trails in Jericho Mountain State Park. The bill also adds a definition of utility terrain vehicle.

The amendment was introduced to narrow the increase in size of off-road vehicles to only designated trails in Jericho Mountain State Park. Further study is needed to determine if wider off-road vehicles should be permitted on other State-owned land.

I respectfully request the Senate support the Committee's recommendation of Ought to Pass with Amendment on SB 100. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 107, relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy and Natural Resources**March 17, 2011****2011-0994s****10/04****Amendment to SB 107**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review the effectiveness of the existing evaluation process for new ATV or trail bike trail proposals on state-owned property, known as coarse and fine filter pursuant to RSA 215-A:42 and RSA 215-A:43, and, if appropriate, make recommendations for legislation to revise the process.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

6 Effective Date. This act shall take effect upon its passage.

2011-0994s

AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

SENATOR MERRILL: Thank you, Mister President. I move Senate Bill 107 Ought to Pass with Amendment. SB 107 as introduced would exempt designated roads in the Connecticut Lakes Headwaters Working Forest from the evaluation process for establishment of state trails for ATV's and trail bikes.

The amendment replaces the bill and establishes a committee to address the broader question of the effectiveness of the current evaluation process for trail establishment, and, if appropriate, to recommend legislation to revise it.

Please join the Energy and Natural Resources Committee in voting Ought to Pass with Amendment on SB 107. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 118, modifying the definition of renewable generation facility. Inexpedient to Legislate, Vote 4-0. Senator Gallus for the committee.

SENATOR GALLUS: Thank you, Mister President. I move Senate Bill 118 Inexpedient to Legislate. Senate Bill 118, modifying the definition of renewable generation facility. This bill as introduced would have given towns the option to reach payment in lieu of tax agreements with a participant-funded electric transmission line.

The Committee supported an amendment that would have replaced the bill with language that would have extended the minimum electric renewable portfolio standards past 2025 to bring clarity for possible long-term power purchase agreements.

The City of Berlin requested I put in this piece of legislation. It was also the City that asked for the bill's removal at this time.

Please join the Energy and Natural Resources Committee in voting Inexpedient to Legislate on Senate Bill 118. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. Carson moved to remove SB 53-FN from the table.

The question is on the motion to remove SB 53-FN from the table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

Senate Executive Departments and Administration

February 17, 2011

2011-0400s

04/03

Amendment to SB 53-FN

Amend RSA 326-B:26 as inserted by section 3 of the bill by replacing it with the following:

326-B:26 [~~Licensed~~] Nursing Assistant Registry.

I. The board shall maintain a registry of nursing assistants [~~licensed~~] who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered [~~or licensed~~] shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

II. *The nursing assistant fund is established in the state treasury and continually appropriated to the board which shall administer the fund. The fund shall be used only for administration of the licensed nursing assistant registry and related expenses.*

III. *All registry charges relating to nursing assistants shall be credited to the fund.*

SENATOR CARSON: Thank you very much, Mister President. This bill was laid on the table at my request because I hadn't been there as the Committee Chair for the public hearing. I've gone back; I've read the bill, I've read the amendment. I've spoken with Senator Morse about the bill; I feel comfortable that the bill is ready to move forward. So, I would like to recommend Ought to Pass as Amended.

PRESIDENT BRAGDON: The Chair has a question for Senator D'Allesandro: You had a floor amendment earlier; is that still something going on, or...

SENATOR D'ALLESANDRO: Thank you, Mister President. I think the floor amendment, which just changed one word, is still an operative situation. So, when we're finished, I'll re-offer the floor amendment.

PRESIDENT BRAGDON: Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Carson.)

SENATOR LARSEN: The question is, this amendment appears to say that the fund shall only be used for administration of the registry and related expenses. Are there certain uses for which you were concerned they might be used? Is that saying that it will not be a 125 percent fund, where sometimes our licensing boards have 25 percent go to the general fund? Is that why this is written in this way?

SENATOR CARSON: Yes.

SENATOR LARSEN: Okay. Thanks.

SENATOR CARSON: You're welcome.

The pending question is on the adoption of the Committee Amendment. Adopted.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

February 22, 2011

2011-0450s

10/05

Floor Amendment to SB 53-FN

Amend section 3 of the bill by replacing it with the following:

3 Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:
326-B:26 [Licensed] Nursing Assistant Registry.

I. The board shall maintain a registry of nursing assistants [licensed] who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered [or licensed] shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

II. *The nursing assistant fund is established in the state treasury and continually appropriated to the board which shall administer the fund. The fund shall be used only for administration of the nursing assistant registry and related expenses.*

III. *All registry charges relating to nursing assistants shall be credited to the fund.*

2011-0450s

AMENDED ANALYSIS

This bill adds a definition for nurse and clarifies the establishment and funding of the board of nursing's nursing assistant registry fund.

SENATOR D'ALLESANDRO: Thank you, Mister President. As I remember the floor amendment, it just struck out one word. What the floor amendment does is, if you look at line 10 on the amendment that we just passed, and it will become line 11 on our floor amendment, and the word "licensed" is struck out to be consistent with the "licensed" being struck out in the other parts of the bill. That's the only thing the floor amendment does, is strike out the word "licensed", and it says the fund shall be used only for administration of the nursing assistant registry and related expenses rather than the licensed nursing assistant registry and related expenses. That's the only change for the floor amendment. Thank you, Mister President.

(The Chair recognized Sen. Rausch for a question of Sen. Carson.)

SENATOR RAUSCH: Thank you, Senator. I'm not sure I heard; does this circumvent the 125 percent rule, or does the 125 percent rule pertain to this fund as well?

SENATOR CARSON: It does not circumvent the rule; in fact, I think it's stronger language that says that the monies raised will be used only for this purpose and nothing else. So, in fact, I think it's stronger language.

(The Chair recognized Sen. Rausch for a follow-up question of Sen. Carson.)

SENATOR RAUSCH: So, they get 100 percent for the board, but 25 percent goes to the general fund?

SENATOR CARSON: No. They can only raise the money that they need to operate the board and nothing else.

SENATOR RAUSCH: Thank you.

SENATOR CARSON: You're welcome.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. It's my privilege to welcome to our Senate Chamber these fourth-grade students from Greenland Central School. And, according to Senator Barnes, questions that he has put forth to them, they are an extremely bright group of students. So, welcome to the Senate Chamber.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 190, relative to the duties and membership of the executive branch ethics committee. Ought to Pass with Amendment, Vote 2-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 17, 2011

2011-0990s

05/10

Amendment to SB 190

Amend the bill by replacing section 3 with the following:

3 Executive Branch Ethics Committee; Complaints. Amend the introductory paragraph of RSA 21-G:31, I and RSA 21-G:31, I(a) to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. ***After first examination by the committee, and unless the complaint is discharged under subparagraph (a), before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint [and a copy shall be sent to each member of the committee for review]. All information identifying the complainant shall be removed before it is first furnished to the executive branch official complained against. Information identifying the complainant shall be furnished to the executive branch official complained against only***

if the committee does not dismiss the complaint in accordance with subparagraph (a) or (b). The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote ***of all members present for the meeting***, it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

SENATOR CARSON: Thank you very much, Mister President. I move Senate Bill 190 Ought to Pass as Amended. Senate Bill 190 makes several clarifications for the Executive Branch Ethics Committee. The changes brought forward were to clarify legislation that currently exists. The changes remove obsolete references, require a unanimous vote of members present to dismiss a complaint, makes clear the obligations to provide copies of a complaint, and increases the quorum from four to five members.

The Senate ED&A Committee voted in favor of the motion Ought to Pass as Amended, and we therefore ask for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

FINANCE

SB 56-FN, (New Title) authorizing the department of revenue administration to accept credit card and debit card payments of taxes. Ought to Pass, Vote 7-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 56-FN Ought to Pass. This bill authorizes the Department of Revenue Administration to accept credit card payments for taxes. This legislation is intended to provide greater flexibility to taxpayers by giving them the option of paying by credit card, debit card, or electronic transfer.

The Department of Revenue has been processing an abundant amount of checks, where with this option of using a credit card would let them transfer the money quicker and provide savings and convenience for the taxpayers and the State. The credit card payments will be administered by a third-party vendor, not by the State. The service charge fee will be assessed by the third party for the credit and debit card transactions; those service charge fees will not apply to any electronic payments made as a direct transfer from a bank account.

Please support the Finance Committee motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 72-FN, establishing a comprehensive cancer plan fund. Re-refer to committee, Vote 6-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 72-FN to be Re-referred to committee. However, to start with, we'd like you to turn down the Re-refer motion so that I can make a motion of Ought to Pass.

This bill would establish the New Hampshire comprehensive cancer plan fund, and also establishes a comprehensive cancer plan oversight board to oversee the allocation of monies from the fund. The cancer plan and its continuation is good public health policy and sets priorities in battling cancer and saving lives.

Once again, please turn down the motion of Re-refer so that I can make a motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. Odell moved Ought to Pass.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you, Mister President. And, I rise in support of the Ought to Pass motion, and certainly want to thank all of my colleagues for the motion. You know, without this legislation, the cancer plan fund would have sunset. And the intent of, truly, this fund and this plan is prevention of cancer. We all know that this terrible disease affects, I would think, almost every family here in our state and nationally. And, you know, while understanding that there are no current state appropriations to be able to be placed in this fund, I think it is important that we keep the fund open, because as the law states on this fund currently, different gifts, donations, and private grants can be put into this fund, as well. And, I think, also, this Ought to Pass renews our commitment here today to be proactive in our fight against cancer. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 78-FN-A-L, relative to motor vehicle registration fees. Ought to Pass, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 78 Ought to Pass. The bill eliminates the \$30 surcharge on motor vehicle registration fees enacted in 2009.

This surcharge was initially agreed upon as a compromise during the budget process and was intended for only a two-year period.

The Finance Committee asks for your support for the motion of Ought to Pass.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I know this bill sunsets at the end of this current biennium, and I want to make it clear that I didn't support this when it was part of the budget process. But, what I want to make clear to my colleagues and my constituents is what happens if this money is not replaced in the budget – this \$90 million that this surcharge produces.

We have 137 red-listed bridges in New Hampshire. We have 267 pink-listed bridges in New Hampshire. Part of the money from this surcharge went back to the communities as part of our betterment commitment: \$15 million each year. The work that's being done and that has been done is essential to maintaining the quality of life in the State of New

Hampshire. Some of this money goes from the highway fund to the Department of Safety. I don't know if you've been following the budget on the other side of that wall, but if you look at the dramatic cuts that have been made in DOT and Safety, there's not going to be anybody left if we don't take care of this situation. I think it should be clear to all of you the number of Troopers that we're going to lose, some of which are funded by this surcharge, and the activity that's not going to take place in your communities based on the dollars that will be diverted from the highway fund.

So, these are things I think we have to look at. The surcharge isn't the greatest thing since sliced bread; I understand that. I understand, generally speaking, everyone is opposed to the surcharge. But, we've got to do something – we have got to do something. And, we've got to replace that money with either general fund money or money from someplace else. It's a significant burden that we're carrying.

In the House budget, \$45 million – \$45 million – is taken away. We're not going to do that; that's from the highway fund – that's going to disappear. Another \$180,000 comes from the general fund appropriation. Now, those are devastating items. They've got to be taken care of on this side; this was one way to do it. And, I understand the problem with this. But, remember, this came about because of the unwillingness on the other side to promote the gas tax. And, remember, gas tax revenue goes back to the cities and towns for betterment. As mileage rates are increasing, as the cost of gas is increasing, we are going to get less and less money from our gas tax revenue. That all has to be replaced. Just think about that as we move forward. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. D'Allesandro.)

SENATOR LARSEN: Senator D'Allesandro, I was not at this hearing, but I see that Pike Industries, Aggregate Manufacturers, the Associated General Contractors...I see this bill was opposed by the Society of Civil Engineers. And, it was my understanding that their main opposition was that without these funds coming in in some way or another, it would result in significant job loss as well as our not being able to address the red-listed bridges and pink-listed bridges and highway plans that we all know we need to continually maintain. Did you also understand that Pike Industries indicated there was a direct...they could directly count 174 jobs on one project?

SENATOR D'ALLESANDRO: Thanks for the question. Yes. In the testimony presented by Pike Industries, and let me quote: "174 jobs were either created or saved through this project." At a time when unemployment within the construction industry in New Hampshire hovers near 20 percent, there were 174 families that did not have to rely on unemployment compensation for the duration of this job. So, yes.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Morse.)

SENATOR LARSEN: Senator Morse, my question to you is: If you are passing this, you are recognizing that we would be losing an approximate \$90 million in revenues, which we know are needed. We all understand the difficulties that the surcharge caused, but how do you intend to address this loss of revenue? Is this something you're going to put in the budget in another way, or are you going to actually have the State lose the monies we need for bridge maintenance and highway repairs?

SENATOR MORSE: Thank you for the question, Senator Larsen. And, while I was going to speak again, I'll address your question and address what I was going to speak about.

You know, in the past we've spoken about \$90 million. We heard that \$15 million – \$30 million total in the biennium – goes back to our communities. So, what they decided to do in taxation for the people we represent – which we all heard about – was they decided to take another \$60 million and operate the Department. That's what they did. They didn't just operate theirs; they operated Safety with \$60 million: taxation without representation. The gas tax – established purely for the highways – they bonded \$60 million in the last budget and paid for it with the penny and the gas tax that was supposed to be dedicated to our communities. The system's broke. We increase taxation and we don't use it for what we're telling the public we're using it for. One-third of this money went back to our communities. Senator Rausch: \$1.75 million from your three communities. Ask them how much they got back. That's one year. Londonderry: almost a million dollars. Salem: almost a million dollars in taxation in one year. I tell you, it's taxation without representation. It will not be back in the budget; I do believe we have a highway system problem, Senator; I do believe we need to address it. But, we aren't going to address it in this budget. We need to come back in January and talk about it. But, the reality is, we've had a highway problem since I started back in 1998, and it's not going to be addressed this way. We taxed our own citizens 100 percent, and I assure you they're not the only ones driving on the roads in the State of New Hampshire.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Morse.)

SENATOR LARSEN: The monies that went to the Department of Safety and the Department of Transportation...Were they not used for things like supporting Troopers, for supporting road plow, for supporting pothole repair, whatever? I assume that those monies did not just go towards growing a large administration who sat at their desks and did nothing.

SENATOR MORSE: Senator, when I left here in '06, we were short about 40 or \$50 million in that program. We upped the tolls in those four years and created at least \$40 million. So, not only did we solve the problem, we created another one, with bonding and with this revenue that I don't believe was needed. Something's happened; I believe we will scrutinize both these budgets to the point where I think they ought to look like something like '06 and an increase for four years, and that would be appropriate. But, we funded 10 percent raises in DOT with this money. Those things are not acceptable to the public – I don't believe so. I don't believe they'll be acceptable in this budget. We will take a good look at it, and I believe we will make the difference. And, when we come back in January, we do need to talk about how the highway fund needs to be addressed, but I believe we've talked about that for years, and I do believe we need to find a solution, but this isn't it.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Morse.)

SENATOR LARSEN: I'm just curious why you say January when we have to create a budget that apparently funds our highways and bridge repairs now. So, why are you mentioning January?

SENATOR MORSE: Actually, I think that is a good question. The reality is, we asked the question of the Department. This year, we have let out the contracts already; those contracts are in place. So, this year, we are all set for moving forward in the paving season. So, actually, next

year it becomes a problem, and we will have a problem with whether we can do enough highway plans. But, I can assure you, Senator, we've had that problem for a long time in this state, and I think when we tax our citizens 100 percent when the general public's using the transportation system, we made a major mistake.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I rise to tell you why I'm going to vote for this piece of legislation. I voted against it last year when it came up in the budget. But, as I went around my District, and some other Senators that are sitting here into their Districts during the campaign, the biggest thing I heard, believe it or not, was not gay marriage, it was not guns, but it was the \$30 extra that people had to pay. It got so gross in a couple of my towns that town clerks called me and said: "Jack, what can you do about this?" So, what I did is, I sent 12 letters out to each of my town clerks asking them to post it and telling the folks that were complaining and busting on the people that work behind the counter not to blame them but to write letters up here to their delegation and ask them why they did this and complain to the right people; it was the Legislature that did it and not those people behind the counter. And this, believe it or not, was the largest issue in November 2nd's election in my District that people were complaining about. Remember: Gay marriage is a big issue in my District. But, this topped the gay marriage concerns of my constituents, and many others of your constituents in the Districts that I was fortunate enough to have traveled around during the campaign. So, I'm voting for this, and I think every one of us should vote for this, and I'm sure Chuck and the Finance Committee will take care of this as the budget process moves along; you know, it's three months from now before we're on the floor finalizing our budget, so a lot's going to happen between now and three months from now. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, we have with us in the gallery the Speaker and the Deputy Speaker of the Moldavian Parliament, as well as members of the Parliament.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Ladies and gentlemen, I rise in support of this legislation. Very similar to my good friend, Senator Jack Barnes, as I was traveling throughout the District when I ran last year, beyond question, this was the number one issue that our hardworking residents in our state talked about. On and above the increase and what it costs to register people's vehicles went up \$30 to \$70 per car, the big issue to me is delivering on the promise. This tax was raised as a temporary tax on the hardworking people of this state. We told them it would be a temporary tax and would sunset in two years, and I believe we need to keep that promise. So, I ask all my colleagues in this room today to please support and keep the promise of sunseting this tax. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Barnes, seconded by Sen. Rausch.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation. Ought to Pass, Vote 7-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 125 Ought to Pass. This bill shifts the burden of proof from business owners to the Department of Revenue to prove that someone is unreasonably compensating themselves under the business profits tax deduction. This bill is intended to eliminate the climate of uncertainty that has existed for business owners in New Hampshire in recent years and also made New Hampshire less appealing to others looking to relocate. This will send a strong and clear message that New Hampshire is not going to use the business profits tax as an income tax on small business owners. This is an opportunity to set clear tax policy that will encourage compliance and help our small businesses to grow and create jobs.

While the fiscal note states a \$49 million revenue loss, the Department of Revenue told the Committee that the anticipated loss is actually a range that could go from zero to \$49 million.

The Finance Committee asks for your support for this motion of Ought to Pass.

Sen. Morse offered a floor amendment.

Sen. Morse, Dist. 22

March 23, 2011

2011-1158s

08/03

Floor Amendment to SB 125-FN-A

Amend the bill by replacing sections 3-4 with the following:

3 Applicability. This act shall apply with respect to taxable periods ending after January 1, 2013.

4 Effective Date. This act shall take effect April 15, 2013.

SENATOR MORSE: Thank you, Mister President. Mister President, this amendment just changes a date in the legislation to move it into 2013 so the Senate can assure the public that every word in this document has been put in properly.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment. Adopted.

Sens. Bradley, Forsythe, and Sanborn are in opposition to the Floor Amendment on SB 125-FN-A.

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the amendment and support of the bill as amended. I believe that we have worked on this particular situation, reasonable comp, for the last two sessions; Senator Odell worked with me in the last session on this piece of legislation. And, the one problem that's continually before us is the delineation by Revenue Administration as to what this will cost the State of New Hampshire. Now, the range still exists between zero and \$49 million; that's a very broad, broad range. I think by adjusting the time that it goes into effect gives us two very important items: number

one: passage through the House, which is very important. But, number two: a firm estimate from Revenue Administration as to what this is going to be reflected in the revenues for the State of New Hampshire. The reason for this piece of legislation was the tremendous number of audits that have taken place, which were very disadvantageous to business; it was very disrupting to business. They were constantly in an auditing process, which didn't make any sense. So, hopefully by the time this becomes effective, we will have the answer from the Division of Revenue Administration as to what the actual cost is and how reasonable comp is ascertained; I think that's very important. Senator Bradley worked with us on this bill, and I appreciate that very much. But, I think it's a good, strong business...It's a very positive business move. By the same token, though, we have got to know what the effect will be on the State of New Hampshire, because BPT and BET represent 33 percent of the general fund revenues for the State of New Hampshire, and that's a very critical issue. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

SB 126-FN, relative to net operating loss carryovers under the business profits tax. Ought to Pass, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 126 Ought to Pass. This bill increases the net operating loss carry-forward threshold from \$1 million to \$10 million.

The purpose of the net operating loss credit is to allow businesses to use losses in one year to offset profits in others. This enables businesses who are suffering to recover more quickly and to invest their profits back into hiring and other areas that will ultimately lead to more profitability.

This legislation is important in order to support our business community and to keep New Hampshire a business-friendly state. We currently rank 50th in terms of net operating loss cap. Most states and the federal government allow a two-year carry-back and a 20-year carry-forward with unlimited cap. New Hampshire has no carry-back provision and has a 10-year carry-forward. In this extremely difficult business climate, raising the NOL threshold from \$1 million to \$10 million is the right thing to do for businesses.

The Finance Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted.

Sen. Morse moved to Table SB 126-FN.

The question is on the motion to Table.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Odell, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Sanborn, White, Kelly, Larsen, De Blois, D'Allesandro, Merrill.

Yeas: 16 - Nays: 8

Adopted.

SB 136-FN, relative to games of chance. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

Senate Finance

March 17, 2011

2011-0999s

09/04

Amendment to SB 136-FN

Amend the bill by inserting after section 20 the following and renumbering the original sections 21-22 to read as 25-26, respectively:

21 Games of Chance. Amend RSA 287-D:2-b, II-a to read as follows:

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, [~~operators of games of chance~~] **game operators** may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

22 Games of Chance. Amend RSA 287-D:2-b, VII-a to read as follows:

VII-a. Notwithstanding any other provision of law, a member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the racing and charitable gaming commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator [~~or the employer of the game operator~~].

23 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a)-(c) to read as follows:

(a) The name and social security number of the **primary or secondary** game operator, or for [~~an organization~~] **a game operator employer** the name and federal tax identification number. The racing and charitable gaming commission shall not disclose any social security number submitted;

(b) The name, [~~of the game operator's employer and the employer's~~] address, and telephone number **of the game operator employer**;

(c) A list of the **known** games of chance in which the game operator will participate including the date of the game, the location of the game, and the charitable organization holding the game;

24 Licensing of Game Operators. Amend RSA 287-D:2-c, VI to read as follows:

VI. To be eligible for licensure under this chapter, a licensed *primary or secondary* game operator shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed *primary or secondary* game operator in which the money only from games of chance shall be deposited and withdrawn. All payments to charities, all prizes over \$500, and all other expenses associated with games of chance shall be paid by check from said account.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 136-FN Ought to Pass with Amendment. And, at the appropriate time, I will also introduce a floor amendment.

This is a housekeeping bill requested by the Racing and Charitable Gaming Commission to update various statutes in order to streamline certain processes, better protect charities, and increase efficiency. Some of the bill's components include: setting a date certain of no later than 15 days after a game date by which game operators must pay the participating charity, raising the bond requirement for conducting games of chance, and allowing private campgrounds and hotels to conduct certain Bingo games without a license. This change was made because these games carry a maximum bet of only 10 cents, and therefore it is not an efficient use of the Commission's time to reregulate them.

The committee amendment simply makes some additional technical corrections to the bill to make sure that the sections of the law carry the same verbiage for game operators.

The Finance Committee asks your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

March 22, 2011

2011-1147s

08/04

Floor Amendment to SB 136-FN

Amend the bill by deleting section 20 and renumbering the original sections 21-26 to read as 20-25, respectively.

Amend RSA 287-D:2-c, II(c) as inserted by section 22 of the bill by replacing it with the following:

(c) A list of the *known* [~~games of chance~~] *game dates* in which the game operator will participate including the [~~date~~] *name* of the game, the location of the game, and the charitable organization holding the game;

Amend RSA 287-D:2-c, VI as inserted by section 23 of the bill by replacing it with the following:

VI. To be eligible for licensure under this chapter, a licensed *game operator employer or primary* game operator shall maintain an account at a financial institution with at least one branch

2011-1147s

AMENDED ANALYSIS

This bill:

I. Defines game operator employers.

II. Requires that game operators pay charities participating in charitable gaming no later than 15 business days following a game date.

III. Raises the amount of bond required for conducting games of chance.

IV. Requires charitable organizations to collect certain fees on lucky 7 deals and pay them to the racing and charitable gaming commission.

V. Allows private campgrounds and hotels to conduct certain bingo games without a license.

SENATOR ODELL: Thank you, Mister President. During the discussions of this bill and the amendment, Senator D'Allesandro noted in our committee session that there was a line that read, "a list of known games in which the game operator will participate", so there was some ambiguity about it. And, what the language should have read is "a list of known game dates". And so, that's what the floor amendment deals with. And also, down at the bottom, identifies "game operator employer" or "primary game operator". So, we're making the verbiage the same in all places. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 147-FN, relative to Medicaid managed care. Ought to Pass, Vote 7-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 147 Ought to Pass. SB 147 requires the Commissioner of Health and Human Services to issue a five-year request for proposal to enter into a contract with a vendor of managed care models to provide for managed care services to the Medicaid recipients in New Hampshire.

By switching to managed care, there have been deliberations for \$33 million in savings in the Governor's proposed budget in the biennium alone. This bill has been worked on with the Department of Health and Human Services in drafting this bill to establish an aggressive but realistic timeline for implementing the system. Senate Bill 147 will provide initiative and efficient ways of delivering services that are high-quality to our state's Medicaid recipients.

The Finance Committee recommends Senate Bill 147 with a unanimous vote – full support.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

March 18, 2011

2011-1019s

01/09

Floor Amendment to SB 147-FN

Amend RSA 126-A:5, XIX(a) as inserted by section 1 of the bill by replacing it with the following:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations throughout as much of New Hampshire as practicable consistent with the provisions of 42 U.S.C. 1396r-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary care case management model, or a combination thereof,

offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other externally administered models. The department shall present the opportunities of the various models or combination of models to the oversight committee on health and human services with a recommendation for the best managed care model for New Hampshire, no later than June 15, 2011. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality management, and customer services. The model shall not include mandatory dental services. After consultation with the oversight committee, the commissioner shall issue a 5-year request for proposals to enter into a contract with the vendor or vendors that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation and savings. The request for proposals shall be released no later than October 1, 2011. The vendor or vendors of the managed care model or combination of models demonstrating the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings shall be selected no later than December 1, 2011 with a final contract submitted to the governor and council as soon as practicable thereafter. After the bidding process, the commissioner shall establish a capitated rate based on the bids by the appropriate model for the contract that is full risk to the provider. The capitated rate shall be broken down into rate cells for each population including, but not limited to, the persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved by the fiscal committee of the general court. The managed care model or models' selected vendor or vendors providing the Medicaid services shall establish medical homes and all Medicaid recipients shall receive their care through a medical home. In contracting for a managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the current level of quality of care provided. The target date for implementation of the contract is July 1, 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek all necessary and appropriate waivers to implement the provisions of this paragraph.

SENATOR BRADLEY: Thank you again, Mister President. This is a very simple amendment that the Department of Health and Human Services came to me as sponsor of the bill and asked that we include – and you will see it on the amendment that's being passed out in lines 16 and 17 – to not include mandatory dental services. The Department believes that inclusion of dental in the managed care models could be a complicating factor, and they believe that there are minimal if any savings to be achieved from inclusion of dental services. So, at the request of the Department, I offered to sponsor this amendment. I believe it makes common sense, and that we should go forward with this amendment, with the floor amendment today. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 151-FN, relative to contracts of the department of health and human services. Ought to Pass, Vote 7-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 151 Ought to Pass. Senate Bill 151 requires the Commissioner of the Department of Health and Human Services to develop a plan to consolidate all outside contracts and to provide the plan for review and comment to the oversight committee on Health and Human Services.

The bill calls for the Department to complete its plan for consolidating contracts by January 1, 2012, and to provide quarterly reports thereafter throughout the remainder of the biennium. The Health and Human Services Department will see administrative cost savings by reducing the number of contracts being administrated.

Therefore, the Finance Committee unanimously voted 151 Ought to Pass, and we ask for your support.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

SENATOR GALLUS: Thank you very much, Mister President. I move Senate Bill 153-FN Ought to Pass. Senate Bill 153 makes various changes to the regulation of real estate appraisers by the real estate appraiser board, which include registration of appraisal management companies and changes related to the federal Dodd-Frank Reform Act.

The real estate appraiser board would be authorized to establish fees for the registration of appraisal management companies as well as bringing the New Hampshire real estate appraiser board in compliance with the federal mandates issued under Dodd-Frank.

The Finance Committee voted unanimously to support, and asks for your support in the adoption of SB 153-FN. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. Ought to Pass, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 157 Ought to Pass. The division of weights and measures regulates commercial weighing and measuring devices in New Hampshire. It is my understanding that, over 15 years, the division permitted private contractors and companies to test, certify, and seal commercial devices, so long as they were licensed by the division and the devices met the correct standards.

I have been told the ability of private firms to offer this service was a policy of the division. Over the last two years, a number of changes occurred within the regulations. First, in the last budget, the division was given the authority to hire four inspectors who would test and seal devices in New Hampshire. The implementation of the change in policy,

which went in with the new positions, was handled through the rule-making process. Despite objections from many small businesses, rules were adopted which increased licensing fees for devices and created new fees for testing, certification, and sealing of the devices by the division's inspectors. Although the inspectors would test, certify, and seal devices, they would not calibrate the devices if they were incorrect. This responsibility was left with the private sector. Unfortunately, many small businesses which offered testing, calibrating, and sealing devices were negatively impacted by these rules.

Senate Bill 157 is intended to eliminate the ability of the Department of Agriculture to develop fees for licensing and certifying weighing devices through the rulemaking process, places a fee schedule for licensing and certifying weighing and measuring devices in statute, and for private contractors to seal the devices. The fee schedule included in the legislation is the schedule used by the division prior to the enactment of the rules in early 2010, and it returns the regulations to the manner in which they were done for more than 15 years.

The Finance Committee is requesting your support of Ought to Pass. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to oppose this bill once again. I was hoping that as Finance looked at this that they would see the importance of retaining these regulations and inspectors who, in fact, guarantee some sense of consumer protection by regulating and reviewing the weights and measures of our state. I would remind you that we had testimony as it went through the Committee that, in fact, 60 percent of all scales tested for certain devices – vehicle and other large-capacity scales – 60 percent failed. As we finally got enough inspectors to go around and look at our previous version of private review by technicians of their own equipment, 60 percent of our scales in this state failed. We had letters from states near us – Massachusetts, Vermont, Maine – saying that they would not accept our weights and measures because New Hampshire's going back to privatized review of the way we measure our products. We had a letter saying that in 2008, there were 788 million gallons of motor fuel sold in New Hampshire, and a 1-cubic-inch error in the seller's favor means that the consumer would lose 3.4 million gallons that they paid for and did not get.

When we were in the hearing, we heard: "Well, the inspectors will cover this; we'll have private technicians checking this out, and our state's inspectors will cover their work." But, I would point out in a letter from the Department of Agriculture, which many of us received, they point out that we are, at least in the House budget, eliminating the inspector positions. The Department is concerned about the elimination of these inspectors, and say there's no statutory language granting any rights or privileges to technicians currently; it was by rule. We are now giving them statutory authority to review and put a State inspection sticker with private technicians. The elimination of the three inspector positions they liken to having the liquor brokers and restaurants and bars enforcing state liquor laws and rules. We got notice from the Department of Agriculture that they will not be able to inspect the work of these privatized services, and that we will continue to have the kind of 60 percent failure – 60 and over percent failure – of many of our scales.

This is an issue of consumer protection of the highest order. When you buy something in the free market, you have a right to know that what you're getting is a fair value. We are not, through both the passage of this and then what I assume will be the elimination of our inspector positions, we will be losing any guarantees to our constituents that what they buy at the marketplace, what they buy at the gas pump, is a fair value. And, that is wrong; that is the reason why we had inspectors put in in those positions, and there's a really good reason to keep them. If we pass Senate Bill 157, we are in fact eliminating one of the most important consumer protections, and that is the right to know that what you buy is a fair price and a fair measure. Thank you.

(The Chair recognized Sen. Merrill for a question of Sen. Larsen.)

SENATOR MERRILL: Thank you, Mister President. Thank you, Senator Larsen. Is it accurate to say that the proposed decreases in licensing fees in this bill would probably jeopardize the Agriculture Department's ability to employ enough investigators to monitor the work of the weights and measures inspectors who, if this bill passes, will be the private technicians?

SENATOR LARSEN: Yes. Commissioner Merrill of the Department of Agriculture writes that, in fact, the elimination of these fees result in the rollback to a private system that... The fees were covering the cost of the inspectors. And, by privatizing this, you will not have enough money in the Department to have inspections of the work that's going on privately. So, an employee of a gas station can go out, measure their measurements, put the State seal on, and whose allegiance will that employee be to? The consumer or the person they're working for? That is the question.

(The Chair recognized Sen. Barnes for a question of Sen. Larsen.)

SENATOR BARNES: Thank you, Senator Larsen. I think I heard you say that a letter came in that the States of Vermont, Maine, and Massachusetts would not be happy with this? Well, my question to you is, for the previous 20 years – you and I have been here that length of time – the States of Massachusetts, Vermont, and Maine were accepting. So, what, all of the sudden, got in their bonnet? We're going back to exactly the way it was, and now all of a sudden somebody from those three states has got a problem. Why didn't they speak up during the 20 years when we were doing it the exact same way that we intend to do it now?

SENATOR LARSEN: My understanding is, in fact, there were occasions when they didn't accept our own state measures, and they did re-measure as we were entering another state with our loads. So, my understanding is that there was – there has been an ongoing question on the State's method of measurements, and in fact that they have required a further measure when they enter another state. So, you have some commerce issues – interstate commerce issues.

(The Chair recognized Sen. Barnes for a follow-up of Sen. Larsen.)

SENATOR BARNES: Senator Larsen, I appreciate that answer. But, I have a second question for you. Over the 20 years that this old program was enforced and being used, how many complaints did you as a State Senator from District 15 get from your consumers about weights and measure? I can tell you how many I've gotten over the last 20 years from my constituents.

SENATOR LARSEN: Well, just as Senator Morse said, you might as well take a nap. It sounds like a boring issue, but when it comes down to the hard-earned dollars of our public who's buying things – it sounds

boring to talk about weights and measures, but when it comes down to... If you're buying a gallon of gas and you're getting less than a gallon of gas at \$4 a gallon, do you care about that? You should, because there's about 3.4 million in 2008 that would be lost by under-measurement.

SENATOR BARNES: Do I understand your answer to be you haven't heard from anyone over the 20 years?

SENATOR LARSEN: I have not –

SENATOR BARNES: Thank you very much, Senator; I appreciate it.

SENATOR LARSEN: I have not. But, I think it's because they're not aware of this arcane issue.

(The Chair recognized Sen. Stiles for a question of Sen. Larsen.)

SENATOR STILES: Thank you, Senator Larsen. I have a question. Who provides the license for these private contractors, and do they have the authority to remove the license?

SENATOR LARSEN: That I would need to check. They, I don't believe... Perhaps our Chairman can remind me of their certification process. But, they previously were allowed to do this by rule, and this bill will allow them to do it by statute, which gives them even further authority to issue state stamps from private individuals who perhaps are certified through the process. I would yield to the Chairman to remind me; if I don't go through this whole thing I'm not going to remember that detail.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: I want to try to put this in perspective. We heard testimony that the Department oversees something in excess of 10,000 devices. The Department also presented us with a list of 32 reported issues of those 10,000 devices; the math says that's a little bit less than one in 300. We said: "Is that for a year? When does this list come from?" The Commissioner could not give us an idea – not even an idea – of how many years that list of 32 complaints or problems was spread over; she knew that none of them had happened during her tenure with the Department of Agriculture. So, the first thing is, 10,000 devices, 32 issues, one in 300: That's a pretty good record for any oversight system.

The second thing: The Department does license all technicians who apply State seals; that's mandatory. The Department testified that it has full authority to discipline licensees or to rescind their licenses. Next, the Department testified that there are less than 10 percent of the licensees who they have any problems with at all. Now, there's something in excess of 100 licensees; I believe 125 is approximately the number of licensees. 10 percent is about 13. So, if there are 13 licensees that they have problems with, if the Department is able to put seals on 10,000 devices, would they not be able to supervise 13 problematic licensees? I would submit that, if not, they need to check the way they supervise their licensees.

The Department adequately supervised weights and measures for over 20 years. We're restoring it to the way it was. This bill simply restores that. I would submit that the concerns based on the lists given are a tempest in a teapot; I'd urge my colleagues to vote to restore a system that worked well, that worked well with private enterprise, has adequate supervision within the Department, and will work again. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: I want to read a couple lines out of the hearing report, just to give you an idea of what was discussed. Actually, my good colleague, Senator Groen, indicated – I'm reading this verbatim – that there were approximately 100 people in the private sector companies who lost their jobs or had their jobs reduced, and the State hired four inspectors to replace these people. And, his question to the Commissioner of the Department was: How can these four inspectors cover what 100 people had done? The response: The Commissioner could not explain that. Then he asked with a question: Can the four people hired by the State handle and meet all the state inspector requirements, and if not, how many would it take? The Commissioner indicated that she thought they could, but that it would be a challenge. I think this indicates...I think for quite a few of us on the Committee, we were not impressed by the explanation of the Department to be able to handle this adequately. There were many questions they could not answer. And, I won't take credit for this, but one of the points that's been made is car inspections: That's a private deal. And, if you had a dealership who improperly inspected your car, your life is at risk. I think that's a pretty serious deal. We trust that every – it's got to be in the tens of thousands in this state – trust that they can inspect the cars; why can't we do this? We're returning it to what it was before. And, I think that this Department has shown they can't handle this job.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you very much, Mister President. I'm not going to beat this horse any more; I mean, we've had numerous discussions on the floor. I support what Senator Morse has done in Finance and I applaud him. And, just to basically say, we've heard a lot about protecting consumers. Again, we didn't get a lot of complaints over 20 years that this was an issue. And, just as a measuring device can fail against a consumer, it can also fail against the business owner. The business owner has a vested interest to make sure that their scales are accurate, because they have no one to make them whole if their scales are out of balance. Who do they complain to if their scales are out of balance? They can't call the State; they can't call the Division of Consumer Protection or the Department of Agriculture and make a complaint; it's on them. I agree with my esteemed colleague from Concord that oil prices are very high – almost \$4 a gallon – and we don't know if they are going to get higher. And, people need to be assured that when they buy a gallon of gas, they're getting a gallon of gas. That is what that State seal provides them: that they are getting their full measure of their product for their dollar.

Now, we have privatized it in the past; it worked very well. All we're doing is restoring a system that worked well. Thank you very much, Mister President.

(The Chair recognized Sen. Bradley for a question of Sen. Carson.)

SENATOR BRADLEY: Thank you, Senator Carson. I asked you this question on the floor two weeks ago when we debated this bill. Isn't it true that the Department of Agriculture sent a letter to people that have measuring devices across the state, in essence saying they...because of the backlog, the issue that our friend from Nashua, Senator Luther raised, of four people replace 125 people, that they weren't going to get to inspections for a period of at least a year and perhaps as much as two years. Isn't that the case?

SENATOR CARSON: Yes, it is.

(The Chair recognized Sen. Bradley for a follow-up question of Sen. Carson.)

SENATOR BRADLEY: If I were Senator Larsen and concerned about consumer protection, wouldn't I be even more concerned if the department that was responsible for consumer protection did not have adequate resources to even begin to do their job that had been done effectively for 20 years? Wouldn't I be extremely concerned about consumer protection?

SENATOR CARSON: Well, I cannot speak for my esteemed colleague from Concord, but I will speak for myself and say I would be extremely concerned as a consumer that this was not being done. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 157-FN.

SB 159-FN-L, establishing a state infrastructure bank. Re-refer to committee, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 159 to be Re-referred to committee. This bill would establish a state infrastructure bank that was requested from the Department of Transportation.

Although creating and maintaining a state infrastructure bank is certainly feasible, there was concern from the Committee that we do not have the ability to leverage state and federal funds within this infrastructure bank to support the projects at this time. The Committee does support the concrete piece of legislation before you, but as the budget process moves along, we feel that there is more work that needs to be done, such as looking deeper into the fiscal components of the bill, and seek other means of funding for the proposed state infrastructure bank rather than taking current dollars away from state-designated areas.

Please support the Finance Committee's motion of Re-refer. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. Ought to Pass with Amendment, Vote 6-0 Senator D'Allesandro for the committee.

Senate Finance
March 17, 2011
2011-1001s
10/09

Amendment to SB 161-FN

Amend the bill by replacing sections 1-11 with the following and renumbering the original sections 12-20 to read as 9-17, respectively.

1 Notice of Rulemaking Proceedings; Concise Summary. Amend RSA 541-A:6, I(f) to read as follows:

(f) *If existing rules are being amended, readopted, or readopted with amendment*, a concise summary [~~explaining the effect~~] of the [~~rule~~] *existing rules and any proposed amendments, and if the proposed rules are being adopted, a concise summary of the proposed rules.*

2 Notice of Rulemaking Proceedings; Substantial Noncompliance. Amend RSA 541-A:6, II and III to read as follows:

II. The director of legislative services may refuse to publish a notice if the director determines that there is significant noncompliance with the requirements of paragraph I. *In this paragraph, "significant noncompliance" means one or more errors of such magnitude that a reasonable person would not be able to discern what rules are the subject of the rulemaking proceeding and/or what the agency is proposing to do. The term includes the absence of elements required by paragraph I.*

III. The agency shall send notice to the director of legislative services, to all persons regulated by the proposed rules who hold occupational licenses issued by the agency, and to all persons who have made timely request for advance notice of rulemaking proceedings. Upon request the agency shall send notice to the president of the senate, to the speaker of the house of representatives, to the chairperson of the fiscal committee, and to the chairpersons of the legislative committees having jurisdiction over the subject matter. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11, I. Notice to occupational licensees shall be by U.S. Mail, electronically, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner *that is reasonably calculated to inform such licensees of the proposed rulemaking. The committee may identify additional methods of notifying occupational licensees that are* deemed sufficient [~~by the committee~~].

3 New Paragraphs; Rulemaking Register; Authority of Director; Date of Publication. Amend RSA 541-A:9 by inserting after paragraph I the following new paragraphs:

I-a. Prior to publication and with prior notice to the agency, the director of legislative services may correct typographical, spelling, and punctuation errors, as well as unintentional errors in references and citations in a submission, provided the corrections do not affect the substance of the notice.

I-b. The date of publication of the rulemaking register shall be the date on which the register is available to the public on the general court information services web site.

4 Rulemaking Register; Electronic Copies. Amend RSA 541-A:9, II and III to read as follows:

II. The rulemaking register shall be made available upon request to agencies and officials of this state free of charge. The director of legislative services shall send a *paper or electronic* copy of the rulemaking register upon request to the clerk of each municipality in the state and

upon request to any member of the general court free of charge. ***Municipalities and members of the general court shall be deemed to have requested an electronic copy unless a paper copy is specifically requested.*** Paper copies of the register which are sent to municipalities and to members of the general court shall be sent by first-class mail.

III. ***Paper copies*** of the register shall also be made available upon request to other persons at prices fixed by the director of legislative services to cover mailing and publication costs.

5 Filing Proposed Rule Text; Establishing and Revising Text of Rules. Amend RSA 541-A:10 to read as follows:

541-A:10 Filing of Proposed Rule Text; ***Establishing and Revising Text.***

I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. The text ***of the proposed rules*** as filed ***pursuant to RSA 541-A:3, III*** shall not be changed [~~or established as~~] ***prior to the hearing held pursuant to RSA 541-A:11, I(a).***

II. The agency shall not establish the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA [~~541-A:11~~] ***541-A:11, I(b). If the agency elects to solicit comment pursuant to RSA 541-A:11, I(c), the agency shall prepare a draft final proposal that is annotated to show how the rules as initially proposed are proposed to be changed. In response to comment received, the agency may revise the draft prior to filing the final proposal in accordance with RSA 541-A:12.***

6 Public Hearing; Public Comment Period. Amend RSA 541-A:11, I to read as follows:

I.(a) Each agency shall hold at least one public hearing on all proposed rules ***filed pursuant to RSA 541-A:3*** and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice ***filed pursuant to RSA 541-A:3, I*** and the provisions of this section. The office of legislative services shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV in a form and manner determined by the director of the office of legislative services. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the ***date of the hearing.***

(b) For rules proposed by a board or commission, a period of at least [~~10~~] ***5 business*** days after the hearing shall be provided for the submission of materials in writing or in electronic format, unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of such materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least [~~10~~] ***5 business*** days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of materials in writing or in electronic format shall be extended ***unless the previously-established deadline meets the applicable requirement specified above.***

(c) An agency may hold a public hearing or otherwise solicit public comment on a draft final proposed rule prior to filing the

final proposed rule pursuant to RSA 541-A:3, V. Notice of such hearing or comment period shall be provided by such means as are deemed appropriate to reach interested persons, which may include publishing a notice in the rulemaking register.

7 Filing Final Proposal; Incorporation by Reference; Internet Content. Amend RSA 541-A:12, II-IV to read as follows:

II. The final proposal shall include:

(a) A cover sheet listing:

(1) The number of the notice and the date the notice appeared in the rulemaking register;

(2) The name and address of the agency;

(3) The title and number of the rule; and

(4) A citation to the statutory authority for the rule.

(b) ~~Two copies~~ ***One copy*** of the established text of the final proposed rule.

(c) ~~A copy of the full text of the statutory authority for the rule.~~

(d) If required pursuant to RSA 541-A:5, VI, an amended fiscal impact statement from the legislative budget assistant stating that as a result of notice and hearing the rule did change and explaining how this change affects the original fiscal impact statement.

~~(e)~~ (d) A copy of the fixed text of the final proposed rule annotated clearly to show how the final proposed rule differs from the rule as initially proposed, if the text has changed.

III. ~~[With the final proposal, the agency shall also file the incorporation by reference statement described by paragraph IV of this section, if the]~~ ***An agency [incorporates into] may establish requirements in its rules [any] by citing to a document or to Internet content prepared by [any entity outside the agency] an unrelated third party. If state-enforceable requirements are so established, the agency shall file an incorporation by reference statement as specified in paragraph IV with the final proposal. [However, the] No agency shall [not] incorporate by reference any document or Internet content prepared by or on behalf of the agency.***

IV. Any ~~[required]~~ incorporation by reference statement ***required by paragraph III*** shall include a ~~[separately signed]~~ statement ***signed*** by the adopting authority:

(a) Certifying that the text of the ~~[matter]~~ incorporated ***document or Internet content*** has been reviewed by the agency, with the name of the reviewing official;

(b) Explaining how the text of the ~~[matter]~~ incorporated ***document or Internet content*** can be obtained by the public, and at what cost;

(c) Explaining any modifications to the ~~[matter]~~ incorporated ***document or Internet content***;

(d) Discussing the comparative desirability of reproducing the incorporated ~~[matter]~~ ***document or Internet content*** in full in the text of the rule; and

(e) Certifying that the agency has the capability and the intent to enforce the ~~[rule]~~ ***requirements being incorporated***.

V. If an agency establishes requirements by incorporating undated Internet content by reference, the agency shall make a read-only copy of the incorporated Internet content no later than the date of filing the incorporation by reference statement, and make the dated copy available to the public.

8 New Section; Extension of Currently Effective Rules Pending Readoption. Amend RSA 541-A by inserting after section 14 the following new section:

541-A:14-a Extension of Currently Effective Rules Pending Readoption.

I. If an agency files a notice pursuant to RSA 541-A:6 to readopt existing rules, with or without amendments, the currently effective rules in the filing which would otherwise expire prior to the completion of the readoption of the rules by the agency shall continue in effect until the proposed rules are adopted and effective.

II. If, after filing a notice pursuant to paragraph I, an agency fails to file a final proposal by the deadline specified in RSA 541-A:12, fails to file a response to objection as specified in RSA 541-A:13, or fails to adopt and file the proposed rule as specified in paragraph III, the existing rules which would otherwise expire prior to the completion of the readoption of the rules by the agency shall expire 30 days after such deadline unless the agency has obtained a waiver of the deadline pursuant to RSA 541-A:40, IV(a). If the agency has obtained a waiver to a deadline, such existing rules shall expire 30 days after the deadline established pursuant to RSA 541-A:40, IV(b) if the required action is not taken.

III. If rules are extended pursuant to this section, the agency shall:

(a) Adopt the proposed rules no later than 30 days after the date on which the agency is allowed to adopt the rules under RSA 541-A:14, I; and

(b) File the rules as required by RSA 541-A:14, III with an effective date that is not more than 60 days from the date of filing, except that an agency may specify an effective date that is more than 60 days from the date of filing if a waiver is obtained pursuant to RSA 541-A:40.

2011-1001s

AMENDED ANALYSIS

This bill:

I. Shortens the public comment period after a public hearing.

II. Gives the director of legislative services limited discretion in the publication of rulemaking notices.

III. Provides for electronic copies of the rulemaking register.

IV. Allows agencies to hold a second public hearing on proposed rules.

V. Extends the expiration date of rules to 10 years and allows for extending rules by filing readoption of currently effective rules.

VI. Allows for incorporation by reference of Internet content.

VII. Modifies procedures for interim and emergency rulemaking.

VIII. Requires the director of legislative services to develop a process for expediting readoption of rules.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 161-FN Ought to Pass with Amendment. Senate Bill 161-FN addresses technical and procedural topics relating to administrative rulemaking. It gives the Director of Legislative Services discretion in publication of rulemaking notices and provides for electronic copies of the rulemaking register.

The bill will allow agencies to hold second public hearings, extending the expiration date of rules to 10 years, as well as allowing for extending the rules by filing re-adoption of currently effective rules. Senate Bill 161 authorizes incorporation by reference of Internet content, modifies procedures for interim and emergency rulemaking, therefore requiring the Director of Legislative Services to develop a process for expediting re-adoption of rules.

The amendment simply takes out section 8 of the bill that would allow for preregistration for agency public hearings on proposed rules and cancellation of public hearings if no person preregisters.

The Finance Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. Before I start reading this piece for Ray Wieczorek, I want to say that over the years I have been concerned sometimes that the blurbs are longer than the bills that are being talked about. However, in this particular instance, this one was very beautifully put together, and it pays honor to the individual that we're going to talk about. So, please indulge me and my two-page – which is longer than the bill – blurb.

I move Senate Bill 195 Ought to Pass. This bill renames the Manchester Airport Access Road Raymond Wieczorek Drive. Councilor Raymond Wieczorek has been a resident of Manchester, New Hampshire for 52 years, and serves currently as Executive Councilor of District 4, which incidentally includes Raymond, New Hampshire. Ray is a veteran of the Korean War – gosh, he doesn't look that old, does he? – and is currently a member of the American Legion and Veterans of Foreign Wars.

Ray Wieczorek has been active in over 20 community clubs and activities, including the United Way and Boys and Girls Club of Manchester. In 1989, Ray was elected Mayor of Manchester, and served five terms. In his tenure as Mayor, he led the City through tough economic times. In the early 1990s, *Money Magazine* ranked Manchester 296 out of 300 cities, and in 1998, under Mayor Ray Wieczorek, Manchester was ranked the number one best small city in the East. Manchester is now home to a thriving airport, the Verizon Wireless Arena – which I don't believe would have happened without his pushing very hard for it – and a revitalized mill yard and downtown. Manchester has undergone a complete transformation because of the vision of Ray Wieczorek. In honor of his accomplishments, in November of 2000, Ray Wieczorek – I'm halfway through guys; hang on – by the Mayor and Board of Aldermen, whom voted to name the block housing the Verizon Wireless Arena, Raymond J. Wieczorek Square.

Ray has been named Citizen of the Year by the Manchester Chamber of Commerce and the Granite State taxpayers. He's a recipient of the Small Business Administration Advocacy Award, and one of nine officials nationally to receive the Public Sector Leadership Award, and was presented an honorary Doctorate of Law from New Hampshire College.

Because of Councilor Wieczorek's dedication to civil service, the Senate Finance Committee felt it was most appropriate to honor him with the renaming of the Manchester Airport Access Road. The bill will not have any additional cost – I repeat: The bill will not have any additional cost associated with the naming suggested in the bill. When the final outcome of Senate Bill 195 is passed, the signage will be completed within the existing contract cost.

The Finance Committee asks for your support for the motion of Ought to Pass, and I thank you very much.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. As Senator who represents Manchester and really been a resident of Manchester for most of my adult life, I want to say this: Being Mayor of the City of Manchester, as being Mayor of any city, is a difficult task. Ray Wieczorek did a commendable job as Mayor of our city for 10 years.

As Senator Barnes pointed out, the key element was a structure called the Verizon Wireless Arena. That arena did a great deal for the economic prosperity of not only our city, but our state. The development of the Manchester Airport, which is the economic engine that really drives New Hampshire: That airport would not have been done, would not have been completed, without the work of Ray Wieczorek. So, we have a structure in place in the City that does a lot for the economic viability of the City; we have a structure in place, the Manchester-Boston Regional Airport, which does a great deal for the economic prosperity of the State of New Hampshire.

It's tough being a public official; I think all of us understand that. But, Ray Wieczorek did a very good job for the City of Manchester. And, you know, Manchester is a city that has reinvented itself over a period of years: We went from an industrial base, from a manufacturing city, to a shoe city, to an electrical component city. So, we've made a number of transitions, and many of them haven't been of the best situation. But, the Mayor has done, and did, an outstanding job; I think the City is vibrant as we speak. And, we must give praise to former Mayor Wieczorek for the work he did. Thank you, Mister President.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I rise in support of this bill, and recognize that Mr. Raymond Wieczorek has not only been a business leader in his career, but has guided Manchester with delicacy and success, and also the decades as a public servant here in the State of New Hampshire. I would recommend to all of my colleagues that this bill Ought to Pass.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

SB 51, relative to the establishment of a state leadership team to resolve issues concerning certain adults with developmental disabilities who may present a degree of risk to the community. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health and Human Services

March 10, 2011

2011-0793s

01/09

Amendment to SB 51

Amend the title of the bill by replacing it with the following:

AN ACT relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Amend RSA 126-A:5, XIX as inserted by section 1 of the bill by replacing it with the following:

XIX.(a) The commissioner shall create and administer a state leadership team to address issues concerning the most challenging cases of

individuals 18 years of age or older with developmental disabilities or acquired brain disorders who present a substantial risk to community safety as determined by a comprehensive risk assessment appropriate to the individual. The leadership team shall include representation from the following agencies: the bureau of developmental services, the bureau of behavioral health, and the division for children, youth and families, department of health and human services, the department of corrections, and the department of justice. The leadership team shall work across all services systems to determine and authorize system responsibility for providing and/or funding specific services and supports to effectively meet the needs of the individual and the public safety of the community in accordance with the rules of the respective departments.

(b) Nothing in this paragraph shall abrogate the rights of individuals or responsibilities of agencies under RSA 171-A, RSA 171-B, RSA 137-K, or any other applicable state or federal law.

(c) Any agency on the state leadership team may refer a case to the state leadership team for consideration. In addition, a county house of corrections may refer a case to the state leadership team for consideration for individuals determined eligible under RSA 171-A.

(d) The commissioner shall submit an annual report beginning on November 1, 2011 to the president of the senate, the speaker of the house of representatives, and the governor relative to the performance of the leadership team.

2011-0793s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

SENATOR KELLY: Thank you, Mister President. I move Senate Bill 51 Ought to Pass with Amendment. Senate Bill 51 follows a year of work by the legislative commission established by Senate Bill 112 to develop a strategic legislative plan to meet the needs of adults with developmental disabilities and traumatic brain injury who may present a substantial risk to community safety.

SB 51 requires the Commissioner of the Department of Health and Human Services to create a leadership team to address these individual cases, working across all service systems, bringing together representatives from various state departments to meet the needs of the individuals and of the public.

The goal of the amendment to SB 51 is primarily to clarify the process by which cases may be brought to the leadership team for consideration, including a referral from a county house of corrections. All parties agreed upon this amendment language.

The Health and Human Services Committee unanimously recommends SB 51 Ought to Pass with Amendment, and we ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 93, relative to pharmacist administration of vaccines. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

Health and Human Services

March 10, 2011

2011-0794s

10/05

Amendment to SB 93

Amend the bill by replacing all after the enacting clause with the following:

1 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows:

318:16-b Pharmacist Administration of [~~Influenza~~] Vaccines. A pharmacist may administer influenza vaccines to the general public *and a pharmacist may administer pneumococcal and varicella zoster vaccines to individuals 18 years of age or older*, provided all of the criteria in this section have been met. The pharmacist shall:

I. [~~Have earned a Pharm. D. degree and be licensed by the board to practice as a pharmacist in New Hampshire, or~~] Hold [~~an unrestricted and~~] *a* current license to practice as a pharmacist in New Hampshire [~~and have held the license for at least 3 years~~].

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer influenza, *pneumococcal, and varicella zoster* vaccines [~~by injection~~], have completed training specific to the administering of [~~influenza~~] *the respective* vaccines [~~by injection~~] that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

V. *Provide notice to the primary care provider, when designated by the patient, of the administration of the pneumococcal and varicella zoster vaccines.*

VI. *Maintain a record of administration of pneumococcal and varicella zoster vaccinations for each individual as required by state and federal law.*

2 Pharmacist Administration of Influenza Vaccines; 2013 Version. RSA 318:16-b is repealed and reenacted to read as follows:

318:16-b Pharmacist Administration of Influenza Vaccines. A pharmacist may administer influenza vaccines to the general public provided all of the criteria in this section have been met. The pharmacist shall:

I. Have earned a Pharm. D. degree and be licensed by the board to practice as a pharmacist in New Hampshire, or hold an unrestricted and current license to practice as a pharmacist in New Hampshire and have held the license for at least 3 years.

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer influenza vaccines by injection, have completed training specific to the administering of influenza vaccines by injection that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect 60 days after its passage.

2011-0794s

AMENDED ANALYSIS

This bill expands for a 2-year period the vaccines which may be administered by a pharmacist and changes the qualifications for pharmacists to administer vaccines.

SENATOR DE BLOIS: Thank you, Mister President. I move Senate Bill 93 Ought to Pass with Amendment. Senate Bill 93 will allow pneumonia and shingles vaccines to be administered by pharmacists to individuals over 18 years of age for a two-year period. This follows a bill from 2008, which allows pharmacists to administer the influenza vaccine.

Senate Bill 93 also amends the qualifications for a pharmacist to administer the vaccine. Senate Bill 93 allows individuals without a primary care provider access to these important vaccinations while requiring a pharmacist to report the immunization to an individual's primary care provider if one exists.

The sunset clause in the amendment to SB 93 allows the Legislature to assess the progress of this program after two years to help determine whether pharmacist administration of pneumonia and shingles vaccines should continue.

Please join the Health and Human Services Committee and vote Ought to Pass with Amendment on Senate Bill 93. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Carson is in opposition to the Committee recommendation of Ought to Pass as Amended on SB 93.

SB 171, relative to prescription drug benefits for the treatment of pain. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Health and Human Services

March 10, 2011

2011-0795s

01/09

Amendment to SB 171

Amend RSA 420-J:7-b, II as inserted by section 1 of the bill by replacing it with the following:

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed 48 hours, by which covered persons may obtain coverage for a medically necessary nonformulary prescription drug. ***In the case of a medically necessary formulary or nonformulary drug prescribed for the treatment of pain, the exception process shall not exceed 24 hours.*** The exception process shall begin when the prescribing provider has provided the health benefit plan with the clinical rationale for the exception.

2011-0795s

AMENDED ANALYSIS

This bill requires health benefit plans providing prescription drug benefits to provide an exception process which shall not take more than 24 hours for coverage for a medically necessary drug prescribed for the treatment of pain.

SENATOR LAMBERT: Thank you, Mister President. I move Senate Bill 171 Ought to Pass with Amendment. Senate Bill 171 requires health benefit plans providing prescription drug benefits to provide an expeditious process which shall not take more than 24 hours for coverage for a medically necessary drug for the treatment of pain.

The amendment to Senate Bill 171 resulted from a compromise between two conflicting parties: those representing insurance companies and those representing the pain sufferers. The amendment ensures that patients' pain is alleviated quickly in respect for their dignity and wellbeing while also allowing insurance companies to continue their cost containment strategies such as step therapy.

So, I respectfully request that the Senate support the Health and Human Services Committee's recommendation of Ought to Pass with Amendment on Senate Bill 171. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

INTERNAL AFFAIRS

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. Ought to Pass, Vote 3-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that Constitutional Amendment Concurrent Resolution 5 Ought to Pass. This Resolution is related to the Governor's power to reduce appropriations. The Resolution provides that the Governor shall have line item reduction power of items in any bill making appropriations of money.

It was explained to the Committee that this CACR would put a constitutional amendment onto the November 2012 ballot. This amendment would ask the people of New Hampshire to vote on whether or not they want to grant the Governor the ability to veto line items in bills which make appropriations.

The Committee asks for your support for the motion of Ought to Pass. Thank you very much.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I think sometimes when you've been around the Legislature as long as I have, and a few other of us in the room, you begin to approach with caution constitutional amendments that change the balance of power. Even though we have a very good Governor now and one who is reasonable and moderate, there have been times when perhaps that's not true. There will always be Governors that some of us support and others don't, and that's the way it is. But, the checks and balances of the equalization of powers between the Legislature and the Judiciary and the Executive are important balance. And, I have been in a state – years ago I worked in the State of Wisconsin's Senate; I worked there about eight years. And, during that period, I saw a Governor who had a line item veto. It was, perhaps, a broader veto than is proposed here, but he was able to strike out the word "not", and in one fell stroke of a pen reverse a legislative intent and make something happen which the Legislature had intended not to happen. In the same way, you can envision with this a school funding

language...the appropriation for school funding or highways in a bill, in a budget bill, the Governor line-items out \$53 million, and all you've got is \$500,000. You end up with an awkward cycle where schools might not know what their funding appropriation is, or highway repair teams might not know that they can start to work in April because the Governor has line-itemed this out and the whole work season waits while we wait to come back into a veto session.

So, I caution this, even though I support our current Governor's ability and recognize that we have a somewhat weak form of Governor's position in this state. I caution that this balance of power stuff is pretty important. And so, I personally am not going to be supporting CACR 5 for that reason. I think that our balance of power is one which I treasure the ability of the Legislature, who are elected by a majority, to pass majority-supported items. And, when it requires a two-thirds vote to override one single person's objection to a bill, you change your balance of power. That's why I will be opposing CACR 5.

(The Chair recognized Sen. Barnes for a question of Sen. Larsen.)

SENATOR BARNES: Yes, thank you, Mister President. Thank you, Senator Larsen. Have you had an opportunity to talk to Governor Lynch on what his thoughts are on this?

SENATOR LARSEN: I haven't personally talked to him, although we did check in and understand that he supports this, and that's fine; he can support it. And he's one individual, and I believe that the Legislature represents a majority elected by the people. And, he has his opinion and I have mine.

SENATOR BARNES: And, that happens throughout the whole session, doesn't it?

SENATOR LARSEN: It certainly does. And, it's majority rules, not usually two-thirds.

SENATOR BARNES: Thank you very much.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I'd ask the Senate to join me in warmly welcoming the students from Mount Saint Mary Academy from Manchester, New Hampshire. Welcome.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I am truly honored to introduce to you today the children from the Presentation of Mary School in Hudson, New Hampshire. They are some of our state's brightest young children, and it gives me hope for the future. So, welcome, today.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. First, let me say about the students from PMA and from the Manchester School, one of the great assets we have in this Legislature is the ability of the fourth-graders to come and see what we're doing. So, it's wonderful to see them, and it's wonderful that this process goes on.

Mister President, I speak against this constitutional situation, this CACR. We are members of the third largest legislative body in the English-speaking world; only the Parliament of Great Britain and the Congress of the

United States are larger than we are. We are citizen representatives. We don't get enormous salaries. Anybody can run for the House; anybody can run for the Senate. We pride ourselves on citizen participation. Why would we, who work so diligently on preparing a document called the budget, which is introduced by the Governor, goes to the House, goes to the Senate, goes to conference; in each one of those situations, the Governor can play a role – a very active role. Why would we then give the Governor the ability to line item veto, and then say the only way we could override that line item veto was a two-thirds majority in both the House and the Senate? I don't think that's good public policy; I don't think that's good government. I've witnessed line item veto in the State of Massachusetts – a very different environment, a much different legislature, both on the House side and the Senate side, and certainly a much different environment to conduct business.

What we do here has been very successful for a long period of time. We have a process that's in place that's worked well. We flip majorities; we've done that for years. The work, the time, and the effort that goes into the budget process is something that we all should be aware of and really be proud of because of the fact that due diligence is given to that document. Why, in essence, should one person be given the authority to strike out what we have done on a line item basis as it relates to a financial situation? It doesn't make any sense to me – it doesn't make any sense at all. What you do is you negate the responsibilities of those who participated in the process.

I oppose this; I don't think it's good government. I think what we have works well; it will work better if we indeed decide one of these days to bring staff on board to support the Finance Committees in both the House and the Senate; I think that's an issue. As the budgets have grown in size, that's an issue that we have to deal with as we move forward. We're talking about an \$11 billion situation over this biennium. When I first came to this Legislature, we were talking about a de minimis budget: it was very, very small compared to what we're doing now, and right now we're not that large as compared to other states.

I don't think this is good policy. I think what we have in place works; it'll continue to work as long as good, responsible people run for the Legislature and work diligently to produce a budget that represents the needs of the people of the State of New Hampshire. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise in support of CACR 5, salute Senator Morse for his sponsorship of the bill, and turn to the comments of my good friend from Manchester and my good friend from Concord.

First of all, we have to realize that the Governor in the State of New Hampshire is one of the weakest Governors in the United States of America. The Governor has an Executive Council that approves every contract, I believe, of \$5,000 and greater, and the Governor has no line item veto; has the opportunity to present a budget to us and then accept or reject the entire package.

When Senator D'Allesandro talks about going from a de minimis budget when he came here to an \$11 billion budget today, Senator D'Allesandro, you are making my case for line item veto. Because, ladies and gentlemen, the voters sent us in November of 2010, whether it was here in our

beautiful state capitol or in our nation's capitol, to attack deficit spending and get our economy back on track. I have served in both of these buildings. Nothing in Washington brought that need for line item veto to greater scrutiny, if you will, than earmarks. And, exactly the same type of thing is why we ought to be able to give – whether it's a Democratic Governor – we would give a Democratic Governor, as Republicans, the power to exercise the line item veto, or a Republican Governor – the ability to use a line item veto to get rid of extraneous spending that should not be in a bill. This is the function that we all have to confront. The House is now dealing with the budget situation that we have; we are going to have it soon. We might not be in the problems that we have today if over the course of the last 20, 30, 40 years, our Governors of both political parties had had the tool that we are trying to allow the voters to have the opportunity – and let's remember: the voters have to approve this tool to curtail spending that we are here about today. I encourage you to take a major step in providing for good government, responsible government, and fiscally responsible budgets by passing CACR 5.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I rise in support of this constitutional amendment for line item veto for the Governor. I just want to say to my members, you know, this is a state credit card, and we maxed it out over the last few budgets, way beyond the means of the citizens of this state to afford it. Our working families cannot afford it any more, our small businesses cannot afford the taxes and fees that have been passed and put on them, and we've got 40,000 of our friends and neighbors in the state that are out of work. And, this debate today is a debate about us, and it's not about us. It's not about the Legislature; it's not about the Governor. The balance of power that this bill will tip will tip in the favor of the taxpayers. And, that's who we represent up here when we come up here to do our work and to pass bills, and that's what this bill will do; it will give the Governor the authority... When the Legislature can't control its spending, then maybe the Governor will do it on behalf of the taxpayers. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted by necessary 3/5 vote, ordered to Third Reading.

JUDICIARY

SB 17, relative to evidence of admissions in medical injury actions. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move that Senate Bill 17 be Re-referred to the committee. This legislation deals with what is commonly referred to as "I'm Sorry" laws. Our issue was with the word "fault" and how this may or may not impact cases that are filed.

The Judiciary Committee would like to look at the issue as a whole and asks that Senate Bill 17 be Re-referred to committee. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 41, relative to enforcement of the timber tax and excavation tax by the department of revenue administration. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move that Senate Bill 41 be Re-referred to committee. This legislation was filed at the request of DRA as they attempted to address a number of statutory fixes. Because of the timing of the current budget and how this may or may not affect timber and excavation taxation, the DRA has asked that the bill please be Re-referred. The Judiciary agrees, and welcomes your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. Ought to Pass with Amendment, Vote 4-0. Senator Luther for the committee.

Senate Judiciary
March 10, 2011
2011-0799s
04/05

Amendment to SB 63

Amend RSA 597:2, III(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) Execute an agreement to forfeit, upon failing to appear **[as] within 45 days of the date** required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court or justice may specify;

2011-0799s

AMENDED ANALYSIS

This bill prohibits anyone but the secretary of state from compiling, furnishing, or altering the secretary of state's approved list of bail bondsmen and prohibits law enforcement, corrections, and court personnel from indicating a preference for any particular bail bondsman. The bill also provides that a defendant released pending trial who fails to appear within 45 days of the date required shall forfeit all designated property held by the court to secure such defendant's appearance.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass with Amendment on SB 63. This legislation amends a statute enacted earlier which controls the provision of the listing of bail bondsmen. The listing is controlled by the Secretary of State's Office. Evidently, some places are omitting qualified agents or providing lists of their preferred bondsmen. This legislation clarifies that the full list will be provided in alphabetical order.

The committee amendment changes the requested 90 days from the bill to 45 days for a defendant to make an appearance or forfeit the bail. The Committee was concerned that 90 days was too long a jump from the current 30 days.

The Judiciary Committee recommends that SB 63 be adopted with amendment and asks for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass on Senate Bill 123. This legislation clarifies the notification requirement if a person found incompetent to stand trial and civilly committed is released into the community. This bill was requested by the Attorney General.

The Attorney General worked with the Department of Health and Human Services in order to come up with the recommended language and process as to whom the notification applies to and upon which discharge it also applies.

The Judiciary Committee unanimously recommends that Senate Bill 123 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 176, relative to marriage licenses. Ought to Pass, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass on SB 176. This legislation makes technical corrections to delete obsolete references. The language here merely reflects previously adopted statutory changes and was viewed quite literally as a housekeeping bill.

The Judiciary Committee unanimously recommends that SB 176 be adopted and asks for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. Ought to Pass, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass on Senate Bill 180. This legislation creates a study committee to work on the availability of community supervision programs for prisoners released on probation or parole under the Justice Reinvestment Act, which was adopted in SB 500 and amended in SB 52.

In order for prisoners to succeed upon probation or parole, resources in the community need to be available. Right now, the State is receiving \$3 million annually for four years to help with these recovery programs. This study is an important part of continuing these programs and funding.

The Judiciary Committee unanimously recommends SB 180 be adopted and asks for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

TRANSPORTATION

SB 27, relative to speed limitations for boats. Ought to Pass with Amendment, Vote 3-2. Senator Rausch for the committee.

Senate Transportation

March 17, 2011

2011-0989s

04/03

Amendment to SB 27

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Winnepesaukee Speed Limitations. Amend RSA 270-D:2, X by inserting after subparagraph (d) the following new subparagraph:

(e) The prima facie daytime speed limits in subparagraph (b)(2) shall not apply to the area described as follows, where the prima facie speed limit shall be 55 miles per hour: Starting at light buoy #76 southeast of Welch Island in the town of Gilford, running northeast to light buoy #9 at Sandy Island in the town of Tuftonboro, running southeast to light buoy #19 at Millstone Point in the town of Tuftonboro, continuing southeast to light buoy #66 at Little Barndoor Island in the town of Alton, then running southwest to light buoy #78 at Moose Island in the town of Alton, then returning to the outside of Rattlesnake Island in a northwest direction to light buoy #76.

2 Effective Date. This act shall take effect January 1, 2012.

2011-0989s

AMENDED ANALYSIS

This bill establishes a prima facie daytime speed limit of 55 miles per hour on a portion of Lake Winnepesaukee described in the bill.

SENATOR RAUSCH: Thank you, Mister President. I move Senate Bill 27 Ought to Pass as Amended. This bill replaces the speed limit on Lake Winnepesaukee with a general limit for all vessels defined as reasonable and prudent.

The Committee heard from legislators, residents, vacationers, lobbyists, and state agencies on this bill. After careful consideration of the written and verbal testimony, the majority of the Committee determined a compromise was the fairest option for the task at hand.

The Committee amended the bill to eliminate all of the language after the enacting clause. The amended version allows for a daytime speed limit of 55 miles per hour in a certain delineated portion of Lake Winnepesaukee as defined by the Department of Safety and anecdotally referred to as "the broads". The Department of Safety has assured the Committee they can enforce this change in the speed limit and stated they already have buoys on the lake delineating this specific area.

The Committee voted Ought to Pass as Amended, seeking a compromise which no entity would be wholly satisfied with, but the Department of Safety testified could be safely enforced and monitored.

The Transportation Committee asks for your support for the motion of Ought to Pass as Amended. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley is in opposition to the Committee Amendment on SB 27.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I rise against this bill. I have been a boater, and I would have to say from personal experience being on Lake Winnepesaukee that for many of the folks who I know who boat, that this would not be a good situation on the lake. Boating, like many other things, like car driving, has become less civil, and I think that it would help business on the lake to keep the speeds as they are. And, for those who haven't boated, I would encourage you to think about these speeds, because they're considerably higher in reference to cars. So, I would encourage my colleagues to vote against this bill.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise against this motion of Ought to Pass on SB 27 as I did in the Committee. This is my fifth year as a member of the Senate Transportation Committee, and this issue of speed limits on Lake Winnepesaukee is not new to the Transportation Committee. In the past years, we've listened many, many times to the very same testimony and the arguments that we heard again this year.

Last year, we passed legislation that was a result of balancing the needs and the safety issue of all the people of New Hampshire who want to enjoy this beautiful lake. It is only reasonable, then, that we give the current law time to work before we change the speed limits again, and I urge all of you to vote against this Ought to Pass. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to speak in favor of the legislation. And, first of all, I want to thank the Chairman of the Committee, Chairman Rausch, for a masterful job of putting something together that makes sense.

We aren't really increasing the speeds any place except one small area called "the broads", and the speed limit in the evening will remain at 30 miles per hour; it will be increased to 55 miles an hour in the daytime. Every place else in the lake, the speed limits remain the same.

Now, I've got to tell you, I'm not a boater; I never had enough money to get a boat, number one. And, number two, I don't go boating, okay? I'm at home in the 20th Senate District; we have three tenement houses, we have one lake, and that's our water supply. So, the D'Allesandros aren't big boaters. But, what we are, I hope, are people who believe that everyone should have an opportunity to get one of these motor crafts and use it appropriately. The speed limits remain the same in all areas of the lake, all right? They have worked well; I agree with that. There is one area of the lake, and we specifically designate that area where the speed can be increased to 55 miles an hour.

As I said, Chairman Rausch did a magnificent job of bringing things together; I appreciate that. It's a great example of the collegiality in this body when people of opposing points of view can work together and make something positive happen. Hopefully, we can move forward with this; it has been a bone of contention. I think it's one of the items that most reappears here, you know? It's like the phoenix; it's the phoenix of legislation, down and rebirth, down and rebirth – it has resurrection

more than Easter Sunday, I'll tell you that! So, what are we going to do? Hopefully, this will solve the problem, and we can move forward. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. As somebody that lives on the eastern portion of Lake Winnepesaukee and someone who has talked to numerous boaters over the year, I believe that the current law of 45 and 20 is working fine, and we should leave it in place, and I would urge my colleagues to do so. Thank you.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I rise in opposition to Senate Bill 27. I speak on behalf of the constituents from my District, and I also speak on personal experience as a boat owner and as a passenger.

In the last few weeks, I've received hundreds of emails, letters, and phone calls on Senate Bill 27. In total, nearly three to one, those communications have been opposed to SB 27. The communications come from residents, boaters, camp directors, marina owners, business owners, and members of the hospitality industry. The overwhelming message has been: Keep the current speed limits in place.

Since the speed limits have been in place, people feel safer and use and enjoy the lake more. Lake Winnepesaukee is user-friendly and accommodates everyone from kayakers to swimmers to fishermen and boaters.

As mentioned earlier, I also have personal experience. Over 30 years ago on a Labor Day Weekend, I almost lost my mom and my brother in a boating accident caused because of speed. Briefly, my mom, dad, brother, and myself were passengers on a boat. The owner, an experienced boater and close friend of the family, hit a breakwater at top speed. My mom ended up in a coma when she was tossed from the back of the boat and hit her head on the galley door. My brother lost his spleen when he was thrown through the window. My dad and I both suffered broken ribs and miscellaneous injuries.

I'm sure this friend of the family believed he was operating the vessel at a safe speed, but his judgment was wrong, and the injuries suffered by my mom, my brother, my father, and myself were real, negative, and had permanent results. I urge the members here to vote against SB 27. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Senator D'Allesandro brought up the issue of birds. Apparently, not only do we need to worry about campers out in the broads who are in a canoe or learning to sail, but apparently the Loon Society, the Loon Preservation Committee, who also oppose this bill, said that the loons cannot swim or dive fast enough to get away from the boats, and that seven out of ten loon chicks do not survive. So, we end up with a lake that is one of our most beautiful – I believe the largest inland lake in the United States – where many folks cannot feel like they can go out safely and survive.

The Committee heard from those who have been on the lake and watching the effectiveness of the speed limits, and they all testified to the dramatic change that they've witnessed through the enforcement. And, it's self-enforcement. When we were passing it, there was the issue of, "Well,

how many patrollers are you going to have out there?" It turns out, it's self-enforcement, and that's the best way: where people recognize what... You see on the highways – we have speed limits on the highways – and there's a sign that says: "Drive with courtesy; that's the New Hampshire way." It should be that way on our lakes, as well. They're the most beautiful quiet areas of our state, and people ought to be courteous to each other. And, this self-enforcing law has worked; it's made the state and the area and those who live there and those who go to take a boat out, to put a boat in – you don't have to be an owner to put a boat in on Lake Winnepesaukee – it's made the largest lake in our state more approachable, more user-friendly, and one which I think 78 percent of the voters who were interviewed and polled on this support boat speed limits. I say, let's go with those who recognize the value of this and oppose the passage of Senate Bill 27. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forsythe, Groen, Sanborn, White, Carson, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Morse, Bragdon.

The following Senators voted No: Forrester, Bradley, Houde, Odell, Kelly, Luther, Lambert, Larsen, Merrill, Prescott, Stiles.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

MOTION TO RESCIND ORDER TO THIRD READING

President Bragdon rescinded ordering SB 136-FN to Third Reading.

Sen. Morse moved to Table SB 136-FN.

The question is on the motion to Table. Adopted.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 116 Ought to Pass. This bill exempts the requirement that rules establishing operating restrictions on certain bodies of water be adopted under RSA 541-A.

The Committee heard from the Department of Safety, who explained this was a housekeeping bill, which eliminates the requirement to go through the Joint Legislative Committee on Rules for posting things such as speed limit restrictions or no-motor restrictions on bodies of water.

The Committee believes this bill will save on resources, time, and money. The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move House Bill 117 Ought to Pass. This bill allows additional weight for vehicles using idle reduction technology in order to promote reduction of fuel usage and emissions. This bill was requested by the Department of Safety.

The Committee heard from the Department of Safety, the Department of Environmental Services, and other stakeholders, all of whom agreed that this was a good piece of legislation which enabled the motor transport industry to be environmentally friendly while not penalizing them for doing so.

The Transportation Committee asks for your support for the motion of Ought to Pass, and thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

Ought to Pass, Vote 5-0. Senator Kelly for the committee.

SENATOR KELLY: Thank you, Mister President. I move House Bill 188 Ought to Pass. This bill transfers responsibility for road toll administration, the position of road toll administrator, and enforcement of the fuel tax agreement from the Division of Motor Vehicles to the Division of Administration within the Department of Safety and makes the Division of Administration responsible for the international registration plan. This bill also transfers responsibility for hazardous waste transport and truck weight enforcement from the Division of Motor Vehicles to the Division of State Police. And lastly, this bill directs the Division of Fire Safety rather than the Division of Administration to provide clerical support to the advisory board of fire control.

HB 188 is a request of the Department of Safety. The Committee heard from the Department of Safety, who explained that these proposed changes were found after an audit by the Legislative Budget Assistant.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 192, relative to commercial motor vehicle registration. Ought to Pass, Vote 5-0. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 192 Ought to Pass. This bill expands the authority of the Division of Motor Vehicles to refuse or revoke the registration of a commercial motor vehicle. This was requested by the Department of Safety.

The Committee heard from the Department of Safety, who stated this bill was to resolve a federal fund audit finding. This bill is an effort to keep the state in compliance with the federal Motor Carrier Safety Assistance Program and assure no federal funding is lost.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 363-L, relative to Depot Street in the town of Andover. Ought to Pass, Vote 5-0. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 363-L Ought to Pass. This bill reclassifies Depot Street, which is a portion of US Route 4 in the Town of Andover, as a classified highway. The Committee heard from the Department of Transportation in support of this bill. The Committee also received written testimony from the Town of Andover in support of the bill. The Department explained this bill would give a small piece of land in the Town of Andover to the town to control and maintain. This piece of land was once used as a storage site for a DOT construction project and is undevelopable. The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 399, relative to nonresident registration of motor vehicles. Ought to Pass, Vote 4-1. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 399 Ought to Pass. This bill limits nonresident registration of motor vehicles to vehicles garaged exclusively in this state.

The Committee received written testimony from stakeholders, including the City and Town Clerks Association, stating that the current language is unenforceable as it currently allows for 15 days of out-of-state vehicle storage, and no one can truly verify when that 15-day period begins or ends. The Committee was told going back to the original language would allow for the State of New Hampshire and other bordering states to enforce the law with nonresidents.

The Transportation Committee asks you for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

SB 27, relative to speed limitations for boats.

SB 51, (New Title) relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies.

SB 72-FN, establishing a comprehensive cancer plan fund.

SB 78-FN-A-L, relative to motor vehicle registration fees.

SB 93, relative to pharmacist administration of vaccines.

SB 100, (New Title) relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle.

SB 107, (New Title) establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation.

SB 147-FN, relative to Medicaid managed care.

SB 151-FN, relative to contracts of the department of health and human services.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

SB 171, relative to prescription drug benefits for the treatment of pain.

SB 176, relative to marriage licenses.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole.

SB 190, relative to the duties and membership of the executive branch ethics committee.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 192, relative to commercial motor vehicle registration.

HB 363-L, relative to Depot Street in the town of Andover.

HB 399, relative to nonresident registration of motor vehicles.

LIST OF RULE 2-15'S FOR THE DAY

Sen. White: SB 157-FN.

ANNOUNCEMENTS**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (Commerce Committee.)

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions. (Energy and Natural Resources Committee.)

HB 31, relative to insurance payments for ambulance services. (Commerce Committee.)

HB 33, relative to the care of memorials in Franconia Notch state park. (Energy and Natural Resources Committee.)

HB 43, relative to the adoption of forms under the administrative procedures act. (Executive Departments and Administration Committee.)

HB 46, relative to the membership of the current use advisory board. (Energy and Natural Resources Committee.)

HB 52, relative to grounds for modification of parental rights and responsibilities. (Judiciary Committee.)

HB 58, relative to inter-facility transfers of critical access hospital patients. (Health and Human Services.)

HB 71, authorizing establishment of pharmaceutical drug take-back programs. (Health and Human Services.)

HB 109, relative to residential fire sprinklers. (Public and Municipal Affairs Committee.)

HB 133, relative to the minimum wage. (Commerce Committee.)

HB 134, relative to eligibility for walking disability plates. (Transportation Committee.)

HB 144, relative to energy efficiency and clean energy districts. (Energy and Natural Resources Committee.)

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (Judiciary Committee.)

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (Judiciary Committee.)

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. (Energy and Natural Resources Committee.)

HB 156-FN-A, reducing the rates of the tobacco tax. (Ways and Means Committee.)

HB 158, relative to the misuse of social security numbers. (Judiciary Committee.)

HB 175, relative to technical changes in life, accident, and health insurance. (Commerce Committee.)

HB 186-FN, relative to the definition of political communication. (Public and Municipal Affairs Committee.)

HB 191, relative to the community mental health system. (Health and Human Services Committee.)

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program. (Energy and Natural Resources Committee.)

HB 206-FN, establishing an apprentice hunting license. (Energy and Natural Resources Committee.)

HB 210-FN, relative to the use of deadly force to protect oneself. (Judiciary Committee.)

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act. (Executive Departments and Administration Committee.)

HB 218, repealing the New Hampshire rail transit authority. (Transportation Committee.)

HB 229-FN-A, repealing the tax on gambling winnings. (Ways and Means Committee.)

HB 231-FN, relative to payment of medical benefits for state retirees, their spouses, and dependents. (Executive Departments and Administration Committee.)

HB 246, relative to prearranged funeral contracts or burial plans. (Commerce Committee.)

HB 251, relative to absentee ballots. (Public and Municipal Affairs Committee.)

HB 254, relative to offers of judgments. (Judiciary Committee.)

HB 257, relative to removal of political advertising. (Public and Municipal Affairs Committee.)

HB 258, eliminating certain unenforced election laws. (Public and Municipal Affairs Committee.)

HB 262-FN, relative to beverage manufacturers. (Commerce Committee.)

HB 276-FN, relative to wine manufacturers. (Commerce Committee.)

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. (Ways and Means Committee.)

HB 290, relative to staffing exceptions for small schools. (Education Committee.)

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors. (Commerce Committee.)

HB 305, relative to the homestead right. (Judiciary Committee.)

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. (Public and Municipal Affairs Committee.)

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings. (Commerce Committee.)

HB 322, relative to occupancy fees charged by manufactured housing park owners. (Commerce Committee.)

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors. (Judiciary Committee.)

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine. (Commerce Committee.)

HB 335-FN-A, establishing multi-use number plates. (Transportation Committee.)

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator. (Executive Departments and Administration Committee.)

HB 341, relative to local spending caps. (Public and Municipal Affairs Committee.)

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (Transportation Committee.)

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. (Ways and Means Committee.)

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. (Executive Departments and Administration Committee.)

HB 358, relative to the maintenance, repair, and preservation of burial grounds. (Public and Municipal Affairs Committee.)

HB 368-FN-L, relative to workforce housing and the definition of community. (Public and Municipal Affairs Committee.)

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. (Education Committee.)

HB 370, making changes to the pupil safety and violence prevention act. (Education Committee.)

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force. (Judiciary Committee.)

HB 381, authorizing net metering for micro-combined heat and power systems. (Energy and Natural Resources Committee.)

HB 382, relative to the maintenance of municipal public cemeteries. (Public and Municipal Affairs Committee.)

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. (Education Committee.)

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. (Energy and Natural Resources Committee.)

HB 397, relative to image display devices in motor vehicles. (Transportation Committee.)

HB 401, relative to postsecondary training for workers with disabilities. (Education Committee.)

HB 404, relative to toilet facilities at recreational campgrounds or camping parks. (Energy and Natural Resources Committee.)

HB 405, relative to dissolving corporations. (Commerce Committee.)

HB 409, relative to planning board members. (Public and Municipal Affairs Committee.)

HB 411, relative to distributing campaign materials at the polling place. (Public and Municipal Affairs Committee.)

HB 419-FN, relative to language in insurance certificates. (Commerce Committee.)

HB 424, relative to surplus lines tax collection. (Commerce Committee.)

HB 426, adding certain entities to the unused prescription drug program. (Health and Human Services Committee.)

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission. (Education Committee.)

HB 431, relative to psychiatric evaluations. (Judiciary Committee.)

HB 439-FN-L, relative to claiming an invasive species as a habitat. (Energy and Natural Resources Committee.)

HB 442-FN, relative to the use of marijuana for medicinal purposes. (Health and Human Services Committee.)

HB 444-FN, relative to the commemoration of General John Stark Day. (Public and Municipal Affairs Committee.)

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. (Executive Departments and Administration Committee.)

HB 451-FN, relative to prerecorded political messages. (Public and Municipal Affairs Committee.)

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. (Public and Municipal Affairs Committee.)

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. (Executive Departments and Administration Committee.)

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Executive Departments and Administration Committee.)

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. (Executive Departments and Administration Committee.)

HB 478-FN-L, relative to testimony by video teleconference. (Judiciary Committee.)

HB 483-FN-L, relative to mosquito control. (Health and Human Services Committee.)

HB 489, establishing a health information organization corporation. (Commerce Committee.)

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan. (Executive Departments and Administration Committee.)

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision. (Executive Departments and Administration Committee.)

HB 505-FN, making charter schools eligible for grants for leased space. (Education Committee.)

HB 508-FN, establishing a performance measurement system for state agencies. (Executive Departments and Administration Committee.)

HB 521, relative to meeting dates for county conventions. (Public and Municipal Affairs Committee.)

HB 524-FN, relative to the release of prisoners on probation or parole. (Judiciary Committee.)

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program. (Education Committee.)

HB 532-L, relative to municipal liability for dog bites. (Judiciary Committee.)

HB 540-FN, relative to motor vehicle inspections. (Transportation Committee.)

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. (Education Committee.)

HB 544, relative to state authority over firearms and ammunition. (Judiciary Committee.)

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels. (Transportation Committee.)

HB 549, relative to driver's license reexaminations. (Transportation Committee.)

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. (Ways and Means Committee.)

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. (Transportation Committee.)

HB 565, establishing a dental hygienists committee within the board of dental examiners. (Executive Departments and Administration Committee.)

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. (Energy and Natural Resources Committee.)

HB 579, exempting department of revenue administration guidelines from the right-to-know law. (Ways and Means Committee.)

HB 588, relative to polling hours and location of polling places. (Public and Municipal Affairs Committee.)

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. (Commerce Committee.)

HB 594, relative to the application of procedures for discharge or suspension from county employment. (Public and Municipal Affairs Committee.)

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (Judiciary Committee.)

HB 601-FN, relative to implementation of federal health care reform. (Commerce Committee.)

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division. (Judiciary Committee.)

HB 617, repealing the prohibitions on Sunday business activities. (Commerce Committee.)

HB 621-FN-L, relative to the authority of the department of transportation. (Transportation Committee.)

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. (Executive Departments and Administration Committee.)

HB 627-FN, relative to "essential benefits" under federal health care reform. (Commerce Committee.)

HB 629-FN, relative to the uninsured health care database. (Commerce Committee.)

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. (Health and Human Services.)

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. (Health and Human Services.)

HB 647, relative to withholding of wages. (Commerce Committee.)

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. (Education Committee.)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 30, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

The thing is, that we're all busy being saints; on our best days and on our worst days. And, when you're doing what you're doing as Senators in New Hampshire, it's really quite simple: you are the people's decision makers. And, it must be hard to be chosen to do that and then get yelled at all the time.

There's a great politician-statesman named Dag Hammarskjöld; I don't know if you know of him. He was a Swedish diplomat and economist and an author; he was the second Secretary General of the United Nations; he served in the '50s, and is generally considered to have been murdered because he was doing such good work for humanitarian efforts in the world. He was the only person ever to be given a posthumous Nobel Peace Prize.

He is famous for much of what he said, and this is one of the things he said, and I think it applies very much to you and very much to now.

As United Nations Secretary General, from the podium, he said to the people he served, "You know, everything will be all right. Do you know when? When people, just people, stop thinking of the United Nations as a weird Picasso abstraction and see it as a drawing that they have made themselves."

After Hammarskjöld's death, Kennedy said, "I realize now that in comparison to him, I'm a very small man."

Today, Dag Hammarskjöld is listed as a lesser saint in the Episcopal Church's Book of Lesser Feasts and Fasts. He is celebrated in his life every June. Let us pray.

God of all silence, call us into that silence and self awareness which are the anvil and the hammer of good decision-making. Amen.

Sen. Lambert led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I will try to do that. I would like to introduce Marissa Laro. Marissa is in 10th grade at Merrimack Valley but resides in Andover, which of course is in Senate District 5. Her favorite subjects at school are math and business. Her extra-curricular activities include softball, field hockey, Making Strides Against Breast Cancer volunteer, soccer, baseball, and babysitting – that's a full plate, Marissa. In the future, she plans to become an accountant after attending college. So, welcome, Marissa; it's nice to have you here.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you. I want to introduce Melissa Gifford. Melissa is a 16-year-old in the 10th grade at Merrimack Valley High School. Her hometown is Penacook, which is also part of Concord. Her favorite school subject is history and math, and her favorite book is *Annie's Baby*. She enjoys basketball, lacrosse, math team, chorus, and color guard, and in the future she hopes to become a lawyer and graduate from a good four-year college. Welcome, Melissa; wonderful to have you here. Thank you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: I would like to introduce my daughter, Deborah, my youngest daughter – youngest of seven. And, she was my campaign manager in my last campaign; if you're appreciative that I'm here, then you would thank her. I just want to add a little bit: Deborah is

a typical youngest child – one of the reasons that she was so effective in my campaign is that her six older brothers and sisters really worshipped her and gave her everything she wanted, and so when she ran my campaign, she assumed that everybody would do everything for her, and that was a wonderful train in a campaign manager. She just got back from four months in Germany, taking care of an Alzheimer's patient there, and some touring in Europe with my other campaign assistant, Trixie. And, I really appreciate Deborah and welcome her to the Senate.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 288-FN-L, HB 441-FN.

Without objection, President Bragdon has given Sen. Luther leave to use an electronic device to experiment with an online version of the Senators' Session Day binders.

COMMITTEE REPORTS

SPECIAL ORDER

Without objection, the following bills are Special-Ordered to after lunch: SB 54, SB 120, SB 129-FN, SB 88, and SB 197.

Without objection, HB 525 is Special-Ordered to the front of the Calendar.

TRANSPORTATION

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

SENATOR KELLY: Thank you, Mister President. I move House Bill 525 Ought to Pass. This bill names a bridge in the Town of Merrimack in honor of Corporal Timothy Gibson, United States Marine Corps, who was killed in action in Iraq in 2005. Corporal Gibson was a son, he was a brother, and a friend, and a 2000 graduate of Merrimack High School, where he was quarterback of the football team and played center field on the baseball team.

Corporal Gibson had been assigned to the 1st Battalion, 3rd Marine Region, 3rd Marine Division, III Marine Expeditionary Force, Marine Corps Base in Hawaii, where he was subsequently assigned to Operation Iraqi Freedom. His very young life was lost in a horrific crash in a CH-53E helicopter in Rutbah, Iraq.

Please join the Transportation Committee in honoring this valiant young Marine and support the motion of Ought to Pass. Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I'm going to request a roll call on this vote. And also, I would like to note that the parents of Corporal Gibson are here, Tom and Elaine Gibson are here, as well as Representative Notter. And, I would just like to say that this is a great thing that we're able to honor Corporal Gibson's memory with this bridge, and I would like to especially thank Representative Notter, who's really been the lynchpin of doing this; somebody has to carry the ball on this kind of thing. And, Representative Notter herself has three kids who are in military service, and is a Gold Star Mother volunteer – very instrumental with the Gold Star Mothers. So, very thankful to her, as well.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. White, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

CAPITAL BUDGET

SB 61, relative to capital appropriations to the liquor commission. Ought to Pass, Vote 6-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 61 Ought to Pass. This bill will allow the liquor commission to use excess funds that were appropriated in the 2009 capital budget for the construction of a new store in Nashua and to make improvements to existing stores. The commission has three projects that they would like to use the excess funds for. This legislation will enable them to act quickly to make improvements that will hopefully lead to greater profitability, while at the same time use the balance of the capital funds already appropriated. This bill does not appropriate any new funds.

The Capital Budget Committee recommends that this legislation be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted.

Sen. Odell moved to Table SB 61.

The question is on the motion to Table. Adopted.

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move House Bill 91 Ought to Pass. This bill will require agencies with capital building projects to submit quarterly reports to the Department of Administrative Services in the same standardized format. The intent is to create consistency and transparency with regard to the reporting of capital funds, thus making it easier for the Capital Budget Overview Committee to track capital projects. The Department of Administrative Services will submit summarized reports to the committee. This bill will help improve the committee's oversight function, which will also result in the availability of better information when the capital budget is assembled.

The Capital Budget Committee recommends that this legislation be adopted and asks for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

COMMERCE

SB 50, making various changes to laws regulating trusts and trust companies. Ought to Pass with Amendment, Vote 3-0. Senator Houde for the committee.

Commerce
March 24, 2011
2011-1183s
08/04

Amendment to SB 50

Amend the bill by replacing all after section 1 with the following:

2 New Section; Wills; Enforcement of No-Contest Provision. Amend RSA 551 by inserting after section 21 the following new section:

551:22 Enforcement of No-Contest Provision.

I. For the purposes of this section, a “no-contest provision” means a provision of a will that, if given effect, would reduce or eliminate the interest of any beneficiary of such will who, directly or indirectly, initiates or otherwise pursues:

- (a) Any action to contest the admission or validity of such will;
- (b) Any action to set aside or vary the terms of such will;
- (c) Any action to challenge the acts of the executor of such will or other fiduciary of such will in the performance of such executor’s or other fiduciary’s duties as described in such will; or
- (d) Any other act or proceedings to frustrate or defeat the testator’s intent as expressed in the terms of such will.

II. A no-contest provision shall be enforceable according to the express terms of the no-contest provision without regard to the presence or absence of probable cause for, or the beneficiary’s good or bad faith in, taking the action that would justify the complete or partial forfeiture of the beneficiary’s interest in the will under the terms of the no-contest provision.

III. Paragraph II of this section shall not apply to:

- (a) Any action brought by the executor or other fiduciary of any such will that incorporates a no-contest provision, provided that such executor or other fiduciary is not a person against whom the no-contest provision would be enforced for bringing the action;
- (b) Any agreement among the beneficiaries under the will in settlement of a dispute or resolution of any other matter relating to such will;
- (c) Any action to determine whether a proposed or pending motion, petition, or other proceeding constitutes a contest within the meaning of a no-contest provision;
- (d) Any action brought by a beneficiary under a will or on behalf of any such beneficiary for a construction or interpretation of the will; or
- (e) Any action brought by the attorney general for a construction or interpretation of a will containing a charitable trust or charitable bequests or if a provision exists in a will or trust purporting to penalize a charity or charitable interest for contesting the will or trust or instituting other proceedings relating to the estate or trust if probable cause exists for instituting proceedings.

IV. It is the intent of this section to enforce the testator’s intentions as reflected in a no-contest provision described in paragraph II of this section to the greatest extent possible. The provisions of this section shall be construed and applied in a manner consistent with such intent.

V. This section shall apply to all judicial proceedings concerning the enforcement or interpretation of a no-contest provision commenced on or after its effective date.

3 Testamentary Trusts; Bond and Surety Requirements for Trustees. Amend RSA 564:1 to read as follows:

564:1 Bonds.

I. Every trustee to whom any estate, real or personal, is devised in trust for any person shall give bond to the judge of probate, with suf-

ficient sureties, or without sureties in estates of five thousand dollars or less where the judge finds it in the interest of the estate, in such sum as the judge may order, except as provided in RSA 564:2, conditioned:

[I:] (a) That [he] *the trustee* will make and file in the probate office a true inventory of the real estate, goods, chattels, rights and credits so devised, at such time as the judge shall order.

[H:] (b) That [he] *the trustee* will annually render an account to the judge of the annual income and profit thereof, unless excused by the judge of probate as provided by law.

[HH:] (c) That at the expiration of the trust [he] *the trustee* will adjust and settle his *or her* account with the judge, and pay and deliver over all balances, money, and property with which [he] *the trustee* has been intrusted.

[IV:] (d) That [he] *the trustee* will faithfully execute the trust according to the true intent of the devisor.

II. This section shall not apply with respect to any trust exempted from the accounting requirements under RSA 564:19, II and III.

4 Testamentary Trusts; Bonds of Banks. Amend RSA 564:5 to read as follows:

564:5 Bond of Banks. ***Except as otherwise provided in RSA 564:1,*** such trust company or national bank when appointed trustee shall give a surety company bond in such sum as the judge may order.

5 Testamentary Trusts; Filing Accounts. Amend RSA 564:19 to read as follows:

564:19 Filing Account.

I. Except as otherwise provided in paragraphs II and III, every trustee shall file in the probate court an annual account of administration, unless upon petition [he] *the trustee* is excused by the judge of probate; but in no event shall [he] *the trustee* be excused for a period longer than three years, except that in cases where such filing may be impractical and may work financial hardship to the trust estate the judge of probate upon written approval of the attorney general may extend said period not exceeding in the aggregate five years. Such annual account of administration provided for herein may be allowed by the judge of probate without publication unless he *or she* shall otherwise order. Before giving notice to settle a final account the trustee shall file it in the probate office and shall cause the fact of such filing to appear in the notice and shall at the same time file a statement of the names and residences of the beneficiaries in the trust estate.

II. The following trusts under will shall be exempt from the accounting requirements of paragraph I:

(a) ***A trust created under a will admitted to probate on or after January 1, 2012, under which the testator expressly waives the requirement for annual accountings under the terms of the will creating the trust.***

(b) ***A trust created under a will admitted to probate on or after January 1, 2012, that is not exempt from the accounting requirement under subparagraph (a) with respect to which one or more interested parties, including the director of charitable trusts if the director is a "qualified beneficiary" of the trust under RSA 564-B:1-110(c) have petitioned the court having jurisdiction over the trust for approval of the interested parties' nonjudicial settlement agreement under RSA 564-B:1-111 seeking a waiver of the requirement of future accountings. The presiding judge***

shall grant such petition and approve the nonjudicial settlement agreement unless the presiding judge finds that doing so would (i) jeopardize a material purpose of the testator of the will under which the trust was created, based on the language of the will clearly indicating the intention of the testator that the trust be subject to full judicial supervision, including the accounting requirement; or (ii) adversely affect the interests of any stakeholder who is not a signatory to the nonjudicial settlement agreement.

(c) A trust, if (i) the court grants a petition for the acceptance of jurisdiction over that trust with respect to which a court of another state has released its jurisdiction, and (ii) the court releasing jurisdiction did not require the trustee or trustees of that trust to file accounts with that court, or required that the trustees of the trust file accounts less frequently than annually, then the court accepting jurisdiction over such trust shall not require accountings whatsoever, or shall require accountings less frequently than annually, as the case may be, on the same basis as may have been required by the court releasing jurisdiction.

III. A trust under will described in paragraph II, with respect to which no judicial accountings will be required, shall in all respects be subject to the beneficiary reporting and information requirements of RSA 564-B, the Uniform Trust Code, and all other pertinent provisions of such Code, except to the extent that a contrary provision appears in the will under which the trust was created, provided that such contrary provision does not violate any of the mandatory rules of RSA 564-B:1-105. For these purposes, the pertinent terms of the will shall have the same meaning as "terms of a trust" and the "will creating the trust" shall have the same meaning as "trust instrument", as defined in RSA 564-B:1-103(19) and (20), respectively. Nothing in this paragraph shall be interpreted to limit the ability of persons with standing to petition the probate court having jurisdiction over a trust under will to require any trustee of that will to make a judicial accounting, or the jurisdiction of any such court to require an accounting on its own initiative.

IV. Nothing in this section shall limit the authority of the attorney general otherwise provided by common law or other statute.

6 New Section; Uniform Trust Code; Application to Testamentary Trusts. Amend RSA 564 by inserting after section 24 the following new section:

564:25 Application of the Uniform Trust Code. The provisions of RSA 564-B, the Uniform Trust Code, shall apply to all trusts under will governed by this chapter, except to the extent that any provisions of the Uniform Trust Code conflict with the express provisions of this chapter, in which case the provisions of this chapter shall control.

7 Uniform Trust Code; Clarifying Terms of Trust Instrument Control. Amend RSA 564-B:1-105(b)(3) to read as follows:

(3) the requirement that a trust and its terms be for the benefit of its beneficiaries *as their interests are defined under the terms of the trust*, and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;

8 Uniform Trust Code; Clarifying Terms of Trust Instrument Control. Amend RSA 564-B:1-112 to read as follows:

564-B:1-112 Rules of Construction. The rules of construction that apply in this state to the interpretation of and disposition of property by will also apply as appropriate to the interpretation of the terms of a trust and

the disposition of the trust property. ***For the purposes of determining the benefit of the beneficiaries, the settlor's intent as expressed in the terms of the trust shall be paramount.***

9 Uniform Trust Code; Application of Judicial Supervision of Trusts. Amend RSA 564-B:2-201(b) to read as follows:

(b) A trust~~[-, other than a trust created by a will,]~~ is not subject to continuing judicial supervision unless ordered by the court.

10 Uniform Trust Code; Application of Judicial Supervision of Trusts. Amend RSA 564-B:4-404 to read as follows:

564-B:4-404 Trust Purposes. A trust may be created only to the extent its purposes are lawful, not contrary to public policy, and possible to achieve. A trust and its terms must be for the benefit of its beneficiaries, ***as their interests are defined under the terms of the trust.***

11 Uniform Trust Code; Trust Purposes. Amend RSA 564-B:4-412(b) to read as follows:

(b) The court may modify the administrative terms of a trust if ~~[continuation of the trust on its existing terms would be impracticable or wasteful or impair the trust's administration]~~ ***modification will further the purposes of the trust.***

12 Uniform Trust Code; Limitation of Action Against Trustee. Amend RSA 564-B:10-1005 to read as follows:

564-B:10-1005 Limitation of Action Against ***a*** Trustee ***by a Beneficiary.***

(a) A beneficiary may not commence a proceeding against a trustee for breach of trust more than one year after the date the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding.

(b) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into its existence.

(c) If subsection (a) does not apply, a judicial proceeding by a beneficiary against a trustee for breach of trust must be commenced within 3 years after the first to occur of:

- (1) The removal, resignation, or death of the trustee;
- (2) The termination of the beneficiary's interest in the trust; ~~[or]~~
- (3) The termination of the trust~~[-];~~ ***or***

(4) ***The date on which the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust.***

(d) ***The periods of limitation under this section shall not be tolled for any reason, except by a written agreement of the trustees and qualified beneficiaries or a court order. Without limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).***

(e) ***Nothing in this section shall limit the authority of the attorney general otherwise provided by common law or other statute.***

13 New Section; Uniform Trust Code; Limitation of Action Against a Trustee by a Trustee, Trust Advisor, or Trust Protector. Amend RSA 564-B by inserting after section 10-1005 the following new section:

564-B:10-1005A Limitation of Action Against a Trustee by a Trustee, Trust Advisor, or Trust Protector.

(a) A trustee shall commence a proceeding against a cotrustee or a former trustee for breach of trust within 3 years after the earlier of the date on which the trustee was sent a report that adequately disclosed the existence of a potential claim for breach of trust or the removal, resignation, or death of the cotrustee or former trustee. A trustee, however, shall not commence a proceeding against a cotrustee or a former trustee if, under RSA 564-B:10-1005, none of the beneficiaries may commence a proceeding against the cotrustee or former trustee for such breach of trust.

(b) A trust advisor or trust protector shall commence a proceeding against a trustee for breach of trust within 3 years after earlier of the date on which the trust advisor or trust protector was sent a report that adequately disclosed the existence of a potential claim for breach of trust or the removal, resignation, or death of the trustee. A trust advisor or trust protector, however, shall not commence a proceeding against a trustee for breach of trust if, under RSA 564-B:10-1005, none of the beneficiaries may commence a proceeding against the trustee for such breach of trust.

(c) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the recipient knows of the potential claim or should have inquired into its existence.

(d) The periods of limitation under subsection (a) shall not be tolled except by either a written agreement of the trustees or, in the case of a possible claim against a former trustee, the trustees and the former trustee or a court order. The periods of limitation under subsection (b) shall not be tolled except by a written agreement of the trust advisors, trust protectors, and trustees or a court order. Without limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

14 New Section; Uniform Trust Code; Enforcement of No-Contest Provision. Amend RSA 564-B by inserting after section 10-1013 the following new section:

564-B:10-1014 Enforcement of No-Contest Provision.

(a) For the purposes of this section, a "no-contest provision" of a trust instrument means a provision that, if given effect, would reduce or eliminate the interest of any beneficiary of such trust who, directly or indirectly, initiates or otherwise pursues:

(1) Any action to contest the validity of the trust or the terms of the trust;

(2) Any action to set aside or vary the terms of the trust;

(3) Any action to challenge the acts of the trustee or other fiduciary of the trust in the performance of the trustee's or other fiduciary's duties as described in the terms of the trust; or

(4) Any other act or proceedings to frustrate or defeat the settlor's intent as expressed in the terms of the trust.

(b) A no-contest provision shall be enforceable according to the express terms of the no-contest provision without regard to the presence or absence of probable cause for, or the beneficiary's good or bad faith in, taking the action that would justify the complete or partial forfeiture of the beneficiary's interest in the trust under the terms of the no-contest provision.

(c) Subsection (b) shall not apply to:

(1) Any action brought by the trustee or any other fiduciary serving under the terms of the trust, provided that the trustee or other fiduciary is not a person against whom the no-contest provision would be enforced for bringing such action;

(2) Any agreement among the beneficiaries and other interested parties in settlement of a dispute or resolution of any other matter relating to the trust, including without limitation any nonjudicial settlement agreement;

(3) Any action to determine whether a proposed or pending motion, petition, or other proceeding constitutes a contest within the meaning of a no-contest provision;

(4) Any action brought by a beneficiary or on behalf of any such beneficiary for a construction or interpretation of the terms of the trust; or

(5) Any action brought by the attorney general for a construction or interpretation of a charitable trust or a trust containing a charitable interest if a provision exists in a trust purporting to penalize a charity or charitable interest for contesting the trust if probable cause exists for instituting proceedings.

(d) It is the intent of this section to enforce the settlor's intent as reflected in a no-contest provision to the greatest extent possible. The provisions of this section shall be construed and applied in a manner consistent with such intent.

(e) This section shall apply to all judicial proceedings concerning the enforcement or interpretation of a no-contest provision commenced on or after its effective date.

15 New Section; Uniform Trust Code; Limitation of Action Against a Trust Advisor or Trust Protector. Amend RSA 564-B by inserting after section 12-1205 the following new section:

564-B:12-1206 Limitation of Action Against a Trust Advisor or Trust Protector.

(a) A beneficiary shall commence a proceeding against a trust advisor or trust protector for breach of trust within the earlier of:

(1) One year after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding; or

(2) Three years after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust.

(b) A fiduciary shall commence a proceeding against a trust advisor or trust protector for breach of trust within 3 years after the date on which the fiduciary was sent a report that adequately disclosed the existence of a potential claim for breach of trust; provided, however, that a fiduciary shall not commence a proceeding against a trust advisor or trust protector for breach of trust if, under subsection (a), none of the beneficiaries may commence a proceeding against the trust advisor or trust protector for such breach of trust. For purposes of this section, a "fiduciary" means any trustee, trust advisor, or trust protector.

(c) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the recipient knows of the potential claim or should have inquired into its existence.

(d) The periods of limitation under subsection (a) shall not be tolled for any reason, except by a written agreement of the qualified beneficiaries and each of the trust advisors and trust protectors against whom a beneficiary may commence a proceeding or a court order. The periods of limitation under subsection (b) shall not be tolled for any reason, except by a written agreement of the trustees and each of the trust advisors and trust protectors against whom a fiduciary may commence a proceeding or a court order. Without limiting the circumstances under which a court

may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

(e) Nothing in this section shall limit the authority of the attorney general provided by common law or other statute.

16 Uniform Principal and Income Act; Conversion to Unitrust. Amend RSA 564-C:1-106(a)-(b) to read as follows:

(a) Unless expressly prohibited by the terms of the trust, a trustee may convert a trust into a unitrust as described in this section if all of the following apply:

(1) The trustee determines that the conversion will enable the trustee to better carry out the intent of the settlor ~~[or testator]~~, **as defined in RSA 564-B:1-103(15)**, and the purposes of the trust.

(2) The trustee gives written notice of the trustee's intention to convert the trust into a unitrust and of how the unitrust will operate, including what initial decisions the trustee will make under this section, to all the ~~[sui-juris]~~ **qualified** beneficiaries, **as defined in RSA 564-B:1-103(12) and including the director of charitable trusts if the director is a "qualified beneficiary" of the trust under RSA 564-B:1-110(c).** ~~[who:~~

~~(A) Are currently eligible to receive income from the trust;~~

~~(B) Would be eligible, if a power of appointment were not exercised, to receive income from the trust if the interest of all the beneficiaries eligible to receive income under subparagraph (a)(2)(A) were to terminate immediately before the giving of notice; and~~

~~(C) Would receive, if no powers of appointment were exercised, a distribution of principal if the trust were to terminate immediately prior to the giving of notice.~~

~~(3) There is at least one sui-juris beneficiary under subparagraph (a)(2)(A) and at least one sui-juris beneficiary under subparagraph (a)(2)(B).~~

~~(4) No sui-juris~~ **(3) No qualified** beneficiary objects to the conversion to a unitrust in a writing delivered to the trustee within 60 days of the mailing of the notice under subparagraph (a)(2).

(b)(1) The trustee may petition the court to approve the conversion to a unitrust if ~~[any of the following apply:~~

~~(A) A beneficiary timely objects to the conversion to a unitrust.~~

~~(B) There are no sui-juris beneficiaries under subparagraph (a)(2)(A).~~

~~(C) There are no sui-juris beneficiaries under subparagraph (a)(2)(C).~~ **a qualified beneficiary timely objects to the conversion of the unitrust.**

(2) A **qualified** beneficiary may request a trustee to convert to a unitrust. If the trustee does not convert, the beneficiary may petition the court to order the conversion.

(3) The court shall approve the conversion or direct the requested conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor ~~[or testator]~~ and the purposes of the trust.

17 Uniform Principal and Income Act; Conversion to Unitrust. Amend RSA 564-C:1-106(j)-(l) to read as follows:

(j)(1) If subparagraph (i)(3), (i)(4), or ~~[(i)(5)]~~ **(i)(6)** applies to a trustee and there is more than one trustee, a cotrustee to whom the provision does not apply may convert the trust, unless the exercise of the power by the remaining trustee or trustees is prohibited by the terms of the trust.

(2) If subparagraph (i)(3), (i)(4), or ~~[(i)(5)]~~ **(i)(6)** applies to all the trustees, the trustees may petition the court to direct a conversion.

(k) A trustee may permanently release the power conferred by paragraph (a) or may release the power conferred by paragraph (a) for a specified period including a period measured by the life of an individual to convert to a unitrust if any of the following apply:

(1) The trustee is uncertain about whether possessing or exercising the power will cause a result described in subparagraph (i)(3), (i)(4), or (i)(5).

(2) The trustee determines that possessing or exercising the power will or may deprive the trust of a tax benefit or impose a tax burden not described in paragraph (i).

~~(l) [The provisions of RSA 564-B:3-304 shall apply with respect to beneficiaries other than sui-juris beneficiaries]~~ **For the purposes of this section, a person may represent and bind another person in accordance with Article 3 of RSA 564-B.**

18 Qualified Dispositions in Trust Act; When Transferor May Serve as Trust Advisor. Amend RSA 564-D:5 to read as follows:

564-D:5 Transferor May Serve as Trust Advisor. Any individual, including the transferor of the qualified disposition, may serve as a trust advisor as described in RSA 564-D:4. However, if ~~[such]~~ **the** transferor serves as ~~[the]~~ **a** trust advisor, his or her rights and powers as a trust advisor shall be limited to: ~~[the right to disapprove distributions from the trust and the right to consent to a trustee's action or inaction relating to the investment of trust assets]~~ **(i) the right to direct, consent to, or veto a fiduciary's actual or proposed investment decisions; and (ii) the rights and powers described in RSA 564-D:2, II excluding any power that would enable the transferor, acting as trust advisor, to direct, consent to, veto, or otherwise participate in a distribution by the trustee to or for the benefit of the transferor, the transferor's creditors, the transferor's estate, or the creditors of the transferor's estate.**

19 Effective Date. This act shall take effect 60 days after its passage.

SENATOR HOUDE: Thank you very much, Mister President. I move Senate Bill 50 Ought to Pass with Amendment. Senate Bill 50 makes various changes to laws regulating trusts and trust companies, which were and continue to be designed to attract such business to New Hampshire.

SB 50 as amended by the Committee represents a significant amount of collaborative effort by the stakeholders to continue a multi-year effort to build a successful financial services industry in New Hampshire. As Senator D'Allesandro would no doubt want to note, this effort has created jobs in New Hampshire, and we are recognized nationally for doing so.

Briefly, Senate Bill 50 as amended addresses the following areas: enforcement of no-contest provisions, an opt-out option from annual accounting requirements for trusts created by wills, enforcement of a settler's intent, statute of limitations, and assorted technical changes, such as statutory references.

As with any bill of a technical nature, some areas require additional clarification and consensus. However, the primary authors and sponsors of the bill have committed to working with the Department of Health and Human Services, the Attorney General's Office, and the probate court on any issues that may still need to be addressed.

As such, I ask you to join the Commerce Committee's recommendation and vote Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Sen. White asserts Rule 2-15 on SB 50.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 50.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine. Ought to Pass with Amendment, Vote 3-0. Senator White for the committee.

**Commerce
March 24, 2011
2011-1182s
06/05**

Amendment to SB 86

Amend the bill by replacing all after the enacting clause with the following:

1 Civil Penalties. RSA 273:11-a is repealed and reenacted to read as follows:

273:11-a Civil Penalties.

I. In addition to any criminal penalty provided under this chapter, the commissioner may, after hearing, impose a civil penalty not to exceed \$2,500, as determined by the commissioner, for any violation of any of the provisions of this chapter or of any rule adopted pursuant to this chapter. All moneys collected under this section shall be deposited in the general fund.

II. Except as provided in paragraph III, the commissioner shall issue one written warning to the employer. The employer shall have 30 days from receipt of the warning to cure the defect causing the violation.

III. No warning shall be issued if, in the opinion of the commissioner, the employer intends to cause harm, the violation poses a threat to public safety, or the violation involves any of the following:

(a) Failure to pay an employee in full and on time under RSA 275:43.

(b) Payment of wages by checks on a financial institution that is not convenient to the place of employment as required by RSA 275:43, I(e).

(c) Failure to pay final wages in full as required by RSA 275:44.

(d) Failure to pay amounts withheld for court ordered child support to the custodial parent.

(e) Continuation of wage withholding for insurance benefits that have been cancelled.

(f) Illegal withholding of wages to compensate employer for employee actions resulting in loss or damage.

(g) Failure to comply with RSA 275-A:4-a regarding illegal aliens.

(h) Requiring that employees to perform any illegal activities under threat of job loss.

IV. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the conduct of hearings under paragraph IV.

2 Civil Penalties. Amend RSA 157-A:10-a, II to read as follows:

II. The commissioner shall conduct hearings in the manner required under rules adopted pursuant to RSA 541-A and 273:11-a, [H] V.

3 Civil Penalties. Amend RSA 157-B:13-a to read as follows:

II. The commissioner shall conduct hearings in the manner required under rules adopted pursuant to RSA 541-A and 273:11-a, [H] V.

4 Effective Date. This act shall take effect 60 days after its passage.

SENATOR WHITE: Thank you, Mister President. I move Senate Bill 86 Ought to Pass with Amendment. Senate Bill 86 as amended by the Committee requires the Department of Labor to issue one warning to employers for certain violations before a fine may be imposed.

Under Senate Bill 86 as amended, the Commissioner may impose a civil penalty not to exceed \$2,500 for a violation of this chapter or rules adopted. Unless the Commissioner believes the employer intends to cause harm or the violation poses a threat to public safety, one written warning will be given to the employer, who will have 30 days from receipt to cure the defect causing the violation. The Commerce Committee wants the State of New Hampshire to work with compliant employers, not punish them.

Please join the Commerce Committee and vote Ought to Pass with Amendment on SB 86. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Sanborn asserts Rule 2-15 on SB 86.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Sanborn asserts Rule 2-15 on SB 86.

SB 110, relative to condominium development projects and application of the state fire code. Inexpedient to Legislate, Vote 3-0. Senator White for the committee.

SENATOR WHITE: Thank you again, Mister President. I move Senate Bill 110 Inexpedient to Legislate. Senate Bill 110 would provide that the state fire code shall apply to substantial rehabilitation of existing buildings, structures, or equipment, extends the time period under which the option to contract a condominium may be exercised, and extends the statutory timeline for the declarant to convert convertible land in a condominium to finish units.

Several possible unintended consequences were raised at the public hearing. The Committee believes that working with stakeholders, a new bill can be filed next year that addresses the sponsors' intent while protecting against negative unintended consequences.

Please join the Commerce Committee and vote Inexpedient to Legislate on SB 110. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. White asserts Rule 2-15 on SB 110.

SB 111, relative to short sales of a homeowner's residence. Re-refer to committee, Vote 4-0. Senator White for the committee.

SENATOR WHITE: Thank you again, Mister President. I would ask that you would join me in voting "No" – voting "No" – on the committee recommendation, so that a substitute motion of Ought to Pass can be made, and so I can offer a floor amendment that has broad support from the Committee and stakeholders. Remember, "No" is the vote that I am asking for. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. White moved Ought to Pass.

Sen. White offered a floor amendment.

Sen. White, Dist. 9
March 30, 2011
2011-1307s
06/04

Floor Amendment to SB 111

Amend RSA 479-B:11, II(b) and (c) as inserted by section 2 of the bill by replacing them with the following:

(b) If, as part of the sale, a deficiency was required by any creditor, the exact terms and conditions of any deficiencies were disclosed to the borrower by the purchaser at least 72 hours before the transfer. The disclosure shall be:

(1) Printed in at least 14-point type and in boldface; and

(2) Dated and personally signed by the homeowner and witnessed and acknowledged by a notary public or a justice of the peace appointed and commissioned by the state of New Hampshire; and

(c) The homeowner received from the purchaser, at least 72 hours before the transfer, a document entitled "notice of short sale." The document entitled "notice of short sale" shall:

(1) Be printed in at least 14-point type;

(2) Be dated and personally signed by the homeowner and witnessed and acknowledged by a notary public or a justice of the peace appointed and commissioned by the state of New Hampshire;

(3) Contain a prominent statement, printed in at least 16-point type and in boldface, that the homeowner is selling his or her home, will no longer have any ownership of the home after the sale, and will no longer have the right to live in the home after the sale; and

(4) Describe in detail the terms of the sale.

Amend RSA 479-B:11, III as inserted by section 2 of the bill by replacing it with the following:

III. Notwithstanding any provision of the law to the contrary, the provisions of this chapter shall not apply to a person who attempts to negotiate a short sale in which the person would purchase the homeowner's residence as set forth in paragraph II, but does not purchase the homeowner's residence or arrange for another person to purchase the homeowner's residence.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

SENATOR WHITE: Thank you. What happened here is, this is relative to short-sales, which are advantageous for all parties involved, particularly the person who's in the property being sold, because obviously they're in a position where they can't meet their mortgage and they're also what we call "underwater". And so, the intent here was to give that person an out where they can get away from the property and get started over. There were objections raised in committee over some technical elements, but they were somewhat minor in nature, and so we asked the parties to get together, come up with an amendment, and that's what you have before you, and I believe we reached consensus at that point.

(The Chair recognized Sen. Houde for a question of Sen. White.)

SENATOR HOUDE: Thank you very much, Senator. I support the amendment completely. I just had a question for clarification, if you would, which is, I believe we had a discussion in the committee, and I'm looking at line 19, specifically...

SENATOR WHITE: Of the amendment?

SENATOR HOUDE: Of the amendment; thank you, yes. And, it says, "and will no longer have the right to live in the home after the sale". Conceivably, there could be a situation where you have a tenant, or the former owner continues to be a tenant, and was curious if you could clarify that "will" provides for that as opposed to the word "may".

SENATOR WHITE: Okay. Thanks for the question. There was a lengthy discussion about this in committee, because our concern is, very often in short-sales, the person residing in the home, although they are walking away from their obligation and they are underwater, very often the successor who buys the property does want that person to remain in the home and turn them into a tenant, if you will. And so, Senator Houde's question was valid and was discussed. But, we felt that the language was clear that they do not have a right to live in the home, but that does not mean they do not have an ability to live in the home, as long as the successor owner basically executes a lease or whatever is favorable to him. So, that should take care of that, and thanks for the question.

SENATOR HOUDE: Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I rise in support of this bill as amended, and I do so because this is just another example of the Senate doing what we said we were going to do when we came here, which is to help people out, try to help our economy out in the state. And, this legislation is going to make it easier for these kinds of transactions to happen, which means it's going to improve the real estate industry in our state. And so, overall, it's a good piece of legislation – oh, by the way, it's my bill. But, disregard that. But, I do want to thank the Commerce Committee for their work on this bill, and they've made it a better bill, and I urge everyone to support it. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 119, relative to qualified association trusts. Inexpedient to Legislate, Vote 3-1. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I move Inexpedient to Legislate on Senate Bill 119. This bill would modify the definition of a "qualified association trust" to enable certain entities to offer health insurance to their employees.

With the federal healthcare discussion still being so fluid, the Committee was concerned that Senate Bill 119 could segment the insurance market and present significant anti-selection issues that could destabilize the existing insurance market. There are currently purchasing alliance statutes on the books that the stakeholders supporting this bill can form an alliance for the purpose of purchasing health insurance as an entity through this existing process.

Please support the Commerce Committee and vote Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. White asserts Rule 2-15 on SB 119.

SB 121, relative to the application of the worker adjustment and retraining notification act. Ought to Pass, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 121 Ought to Pass. Senate Bill 121, or more commonly known as "the WARN Act", will put New Hampshire in line with every other state in New England in setting a threshold of 100 employees for the purpose of notification under the worker adjustment and retraining act.

While we depend on small and mid-sized businesses to the same degree as our neighbors, we have been at a competitive disadvantage when trying to recruit companies with 75 to 99 employees to our state. We should pursue every option open to us that will make our state more competitive in attracting businesses to locate to New Hampshire, for, as we all know, you can't be pro-job if you're not pro-business.

Please support the Commerce Committee and vote Ought to Pass on Senate Bill 121. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I rise in opposition to Senate Bill 121. I was the one, obviously, against in committee, and I just felt it appropriate to rise and recognize that I'm not sure that there's been a ton of time to realize from the time this change went into effect to now what kind of negative influence we're having on attracting businesses to the state. The other states around us have adopted 100, which is a federal standard, I believe, but I'm not sure that New Hampshire is always lining up to join in line with the federal process or numbers, and that there are in fact a large number of businesses that would fall within that category, and the bill was designed to protect employers. So, I rise to state those objections. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Just quickly, in the hearing notes alone, it shows that in the Greater Nashua Area, there are 55 businesses – 55 businesses – that have an employee level between 60 and 100 employees. So, if that is true in Nashua alone, you are affecting a great many people throughout the state who will now not have any warning when their business is about to close. This is, I believe, a retraction of what had been good worker protection in previous law, and I think we make a real mistake when we allow a company to close down with no warning, close their doors, and cause the kinds of problems we've seen in businesses from Manchester around the state, and what that does to the employees who have car payments, house payments, any other normal household expenses, where they lose their job without warning and we have to track down how we're going to get their wages paid. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

SB 175, regulating the commercial use of a person's identity. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Commerce

March 24, 2011

2011-1184s

05/10

Amendment to SB 175

Amend RSA 359-K:3 as inserted by section 2 of the bill by replacing it with the following:

359-K:3 Transferability. The right to control the commercial use of one's identity is a property right that is freely transferable and descendable, in whole or in part, during and after a person's life by means of (1) a written contract, license, conveyance, or assignment or a will, trust, or other testamentary instrument, executed before or after the enactment of this chapter, and by the original holder or his or her successor-in-interest, or (2) by intestate succession occurring before or after the enactment of this chapter. In the absence of an express transfer in a testamentary instrument of the right to control commercial use of a person's identity, a provision in a testamentary instrument that provides for the disposition of the residue of the deceased person's assets shall be effective to transfer that right in accordance with the terms of that provision.

Amend RSA 359-K:4 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The right protected under this chapter, insofar as it extends beyond a person's death, applies only to any person who died a domiciliary of the state of New Hampshire. With regard to any person still living, this paragraph shall not be construed to alter or expand the in personam jurisdiction or choice of law principles to be applied in an action brought under this chapter.

Amend RSA 359-K:5, I as inserted by section 2 of the bill by replacing it with the following:

I. Any use of a person's identity during the term of the right protected under this chapter, on or in products, merchandise, or goods, or for the purpose of advertising, marketing, selling, or soliciting purchases of products, merchandise, goods or services, requires the written authorization, including by electronic means, of that person or his or her successor-in-interest.

Amend RSA 359-K:6 as inserted by section 2 of the bill by replacing it with the following:

359-K:6 Exceptions. This chapter shall not apply to the following:

I. Use of a person's identity in an attempt to portray, describe, impersonate, or refer to that person in any of the following informational or expressive works, regardless of length or format, appearing in any medium now known or hereafter devised, provided that the work does not in and of itself constitute a commercial advertisement for a product, merchandise, goods, or services, and provided further that the work is not a videogame or other similar digital or electronic device:

(a) A news, public affairs, public interest, or sports broadcast or account.

(b) A play, book, story, graphic novel, article, editorial, commentary, or other similar written or theatrical work.

(c) A speech.

(d) A musical composition or musical lyrics.

(e) A radio program, sound recording, or other similar audio work.

(f) A documentary, motion picture, television program, or other similar audiovisual work.

(g) An original work of art.

(h) Any work used in connection with any political campaign.

(i) An article, editorial, commentary, magazine, newspaper, periodical, or other work of political or newsworthy value.

II. Use of a person's image in a photograph that does not single the person out as an individual, but rather depicts the person as a member of a group or the public, provided that the person is not named or otherwise identifiable in connection with the use of the photograph.

III. Truthful identification of a person as the author, composer, performer, or creative contributor to or of a work or lawfully recorded performance, under circumstances in which the work or recorded performance is otherwise lawfully reproduced, exhibited, or broadcast.

IV. Promotional materials, advertisements, or commercial announcements for a use described in paragraph I, II, or III, or the facilitation of the same, provided that the use of the person's identity in such promotional materials, advertisements, or announcements is related to the promoted, advertised, or announced use of that same person's identity.

V. Use of a person's identity in promotional material or an advertisement for a news reporting or an entertainment medium that:

(a) Uses such identity solely as originally contained in all or part of a past or future edition of the medium's own broadcast or publication; and

(b) Does not convey or reasonably suggest that the person endorses the news reporting or entertainment medium.

VI. Use of a person's identity in promotional material or an advertisement for an aggregator of news reporting and/or entertainment content that:

(a) Uses such identity solely as originally contained in all or a part of the content of any news medium or entertainment medium available via the aggregator to the aggregator's customers; and

(b) Does not convey or reasonably suggest that the person endorses the news and/or entertainment aggregator. As used in this paragraph, the term "aggregator" means a party who receives content not of its own creation from others which it transmits or otherwise provides to others.

VII. Use of a person's identity in connection with the efforts of a government agency to promote travel and tourism in this state, portray historical events, or commemorate persons or physical sites that are significant in the history of this state, except where the use is directly connected with commercial use, benefit, or sponsorship by a nongovernmental agency; provided, however, that if a government agency intends to have photographs taken at a public event for use pursuant to this paragraph, the government agency shall, if practical, announce or otherwise inform the public, or request the sponsor of the event to announce or otherwise inform the public, that photographs may be taken that can be used in materials for the promotion of travel and tourism in this state without permission from the person photographed.

VIII. Use of a person's identity that is merely descriptive and used in good faith solely for the purpose of referring to products, merchan-

dise, goods, or services that have been marketed, advertised, or sold by means of an authorized use of that person's identity, or the facilitation of the same.

Amend RSA 359-K:7, III-V as inserted by section 2 of the bill by replacing them with the following:

III. In any suit brought to enforce the right protected under this chapter, the plaintiff may recover an amount equal to the greater of \$2,500 or actual damages incurred as a result of the prohibited use and any profits that are attributable to the prohibited use but not otherwise taken into account in computing actual damages. In establishing profits attributable to a prohibited use, the plaintiff shall be required to present proof only of the gross revenue attributable to use, and the defendant shall be required to prove his, her, or its deductible expenses.

IV. Any plaintiff or defendant that prevails in an action to enforce the right protected under this chapter shall be entitled to recover reasonable attorney's fees, costs, and expenses.

V. No owner, employee, or provider of any medium used for the distribution, transmission, or aggregation of advertising, news reporting, and/or entertainment content is liable pursuant to this chapter for any prohibited use of a person's identity in an advertisement promoting the goods or services of a third party unless it is established that the owner, employee, or provider had actual knowledge that the use was unauthorized and the owner, employee, or provider did not create the advertisement.

VI. Nothing in this chapter may be construed to impose liability for offering the transmission, routing, or providing of connections for communications, between or among points specified by a user, of material of the user's choosing, without modification to the content of the material sent or received.

Amend RSA 359-K as inserted by section 2 of the bill by deleting RSA 359-K:9

SENATOR HOUDÉ: Thank you very much, Mister President. I rise and move Senate Bill 175 Ought to Pass with Amendment. Senate Bill 175 was introduced to recognize the statutory right of publicity, which is an interest that protects the proprietary commercial value of one's identity. In some ways, it is really another branch of intellectual property law like copyrights, trademarks, and patents. Importantly, the right of publicity protects not only those who commercialize their identities, like athletes, inventors, musicians, and authors, but also protects those who choose not to commercialize their identities, for example, like J.D. Salinger and his family, longtime residents of Cornish, New Hampshire.

Enacting a statutory right of publicity, I believe, will help cement New Hampshire's rightful place as a protector of individual rights for all citizens. Thirty states already recognize the right of publicity, including 18 that have enacted a statute on the subject. At the hearing and beyond, many interested parties weighed in on these issues, and the Committee asked the parties to work together to resolve any differences in an effort to make the bill stronger. That effort was made, but I admit there remains a contested issue here, as it has been in other states. Specifically, the Committee, in its recommendation, chose to support the inclusion of language that provides sports figures with a greater level of assurance that their names and images will be protected. This area of the law, as it continues to develop, will no doubt see more challenges and court cases, as the very nature of issues which require the balancing of First Amendment rights.

In addition to the interested parties, the Commerce Committee has spent a significant amount of time trying to resolve the issues and find consensus among the stakeholders. I believe Senate Bill 175 as amended reflects a good-faith effort to do just that, recognizing the negotiations are likely to continue going forward.

As such, I ask for your support of the Commerce Committee and vote Ought to Pass with Amendment on Senate Bill 175. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise and ask my colleagues to overturn the motion of my good friend, Senator Houde, and while I couldn't agree more with his comments and his hard work on this bill, unfortunately, the discussion that we're having about intellectual property or even, in fact, what I would believe is a property right, people that would have the right of publicity, there is a tension between that right of publicity and the First Amendment. And, unfortunately, though the Commerce Committee tried vainly to be able to ensure that the right of publicity is something that continues and that people were not exploited for commercial purposes and taken advantage of, there are too many unanswered questions. And so, I would ask that the body overturn the pending motion of Ought to Pass with Amendment, re-refer the bill back to the Commerce Committee, where a number of us will work over the break and over the interim – that seems like it's so far away. But, we will do so to try to bring out a bill that will protect entities like the Salinger Family, and protect entities such as professional sports athletes, without infringing upon the First Amendment. It is a tall order, and unfortunately has to be done correctly and delicately. So, I would ask that the pending motion be defeated and then I will subsequently move re-refer to committee.

The question is on the adoption of the Committee Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass. Failed.

Sen. Bradley moved Re-refer to Committee.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just express disappointment as a Commerce Committee member that we weren't able to Ought to Pass this bill. I feel sorry and sad for the constituent family in Cornish that wanted to see this bill; I feel sorry and sad for Senator Sanborn and Senator Houde, in particular, who put countless hours into this bill – I mean, really worked hard. I feel bad for Senator Odell, who brought it. However, I am heartened by the remarks of Senator Bradley, that this re-refer is not a polite "kill the bill", but rather that you are making a commitment to work on this bill, because it's a bill that should move forward. And, if people will put their nose to the grindstone, I think we can overcome the issues that caused us not to be able to pass it. So, I'll respect the decision of the Senate, but I would ask that you respect the work we put into it and finish the job over the summer and fall.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. As a member of the Commerce Committee, I also have to rise and give thanks to Senator White, who was an absolute tiger in his attempts to try and bring some consensus in, and understood at what times to be the tiger and

what times to be the pussycat, and actually trying to get all these very diverging interests together and craft some great legislation. Our committee worked, as Senator Houde will also agree, incredibly hard on what seemed like such a simple thing to do – protecting a family's personal rights – and it's taken on a life of its own. And, we all commit to working hard this summer to making a great piece of legislation. Thank you, Mister President.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

SB 179, relative to qualified purchasing alliances. Ought to Pass with Amendment, Vote 4-0.

Senator Prescott for the committee.

Commerce

March 23, 2011

2011-1178s

01/09

Amendment to SB 179

Amend the bill by replacing all after the enacting clause with the following:

1 Powers and Duties of Purchasing Alliance; Restrictions on Purchasing Alliances. Amend RSA 420-M:7, I(f) to read as follows:

(f) Establish membership criteria that allow any employer to participate in the alliance or that limit participation *in the alliance* to employers that are members of or affiliated with an association, trade group, or other entity that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage;

2 Qualified Purchasing Alliance. Amend RSA 420-M:13, I to read as follows:

I. Either that [it] *membership in the alliance* is open to all employers without discrimination or[, if participation is based on membership in or an affiliation] *that the alliance has established membership criteria that limit membership in the alliance to employers that are members of or affiliated* with an association, trade group, or other entity[;] that [the entity] has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage; and

3 Effective Date. This act shall take effect 60 days after its passage.

SENATOR PRESCOTT: Thank you, Mister President. I move Senate Bill 179 Ought to Pass with Amendment. Senate Bill 179 clarifies the criteria for obtaining certification as a qualified purchasing alliance.

The Committee received testimony that an issue of today is rising costs of healthcare. This bill as amended by the Committee allows for the option of using an existing organization that is over 10 years old, that was created for purposes other than insurance, as a qualified purchasing alliance. Senate Bill 179 allows for added flexibility while being in line with current practices of the Department of Insurance.

Please support the unanimous Commerce Committee vote of Ought to Pass. I'd like to bring the attention that we – Senator Merrill and Senator Stiles had a lot of work with this bill; they actually met in my office one day. It was a fine time to work together outside the venue of the Senate, and I appreciated them coming over. I enjoyed working on

the bill with them, and also Doug Bates – I'd like to congratulate Doug Bates, Seacoast Chamber Alliance, for moving this bill forward and asking Amanda to be the prime sponsor. Thank you, Amanda Merrill, and Nancy Stiles, thank you very much. And, I ask that the whole Senate vote Ought to Pass. Thank you very much.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. White asserts Rule 2-15 on SB 179.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 179.

SB 187, relative to fair debt collection. Inexpedient to Legislate, Vote 4-0. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I move Senate Bill 187 Inexpedient to Legislate. This bill would require the plaintiff to file additional materials with a complaint brought under RSA 358-C, relative to debt collection practices. This bill would also require certain evidence of the amount and nature of the debt in order for the court to enter into default judgment or summary judgment against the debtor.

Senate Bill 187 received significant opposition at the public hearing, and the Committee agreed that this issue needs to be studied more before the Committee can support such legislation.

Please support the unanimous Commerce Committee and vote Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SB 189, relative to the definition of mortgage loan originator. Ought to Pass with Amendment, Vote 4-0. Senator White for the committee.

Commerce
March 24, 2011
2011-1185s
08/05

Amendment to SB 189

Amend the bill by replacing section 1 with the following:

1 Mortgage Loan Originator; Definition. Amend the introductory paragraph of RSA 397-A:1, XVII(a) to read as follows:

(a) "Originator" or "mortgage loan originator" or "mortgage originator" or "loan originator" means an individual who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain, takes a mortgage application or offers, negotiates, solicits, arranges, or finds a mortgage loan or ~~who assists a consumer in obtaining or applying to obtain a mortgage loan by, among other things, advising on loan terms (including rates, fees, and other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a mortgage loan or~~ who offers or negotiates terms of a residential mortgage loan. No individual may act as an originator for more than one mortgage broker, mortgage servicer, or mortgage banker. A sole proprietor licensed as a mortgage broker, mortgage servicer, or mortgage banker shall also obtain a license as a mortgage originator prior to engaging in the activities of a mortgage originator. Mortgage loan originator does not include:

SENATOR WHITE: Thank you, Mister President. I move Senate Bill 189 Ought to Pass with Amendment. This bill changes the definition of "mortgage loan originator". When the Legislature revised our statutes to comply with the federal S.A.F.E. Act, we moved beyond the federal standards and mistakenly included anyone who gives mortgage advice, the result of which required CPAs, as an example, to become licensed as mortgage loan originators if they discuss mortgage-related matters. This was clearly not the desired outcome, and this fact has been stated by federal legislators. So, it's important that we adopt Senate Bill 189 as amended to correct that mistake.

Please support the unanimous Commerce Committee and vote Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I want to thank the Commerce Committee for their work on this piece of legislation. The CPAs were very concerned about this; I think the amendment clarifies the situation, brings the bill to the proper format, and allows it to move forward. And, I think it's very important that we recognize the fact that cooperation is really what it's all about when it comes to developing a piece of legislation, and that when we put our heads together, we can come up with good legislation that makes sense and addresses the needs of our communities. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 191, relative to the registration of independent contractors for the purposes of workers' compensation. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

Commerce
March 23, 2011
2011-1173s
01/09

Amendment to SB 191

Amend the title of the bill by replacing it with the following:

AN ACT authorizing registration of independent contractors for the purposes of workers' compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 Workers' Compensation; Definitions. Amend RSA 281-A:2, V-a to read as follows:

V-a. "Domestic," "domestic employee," or "domestic worker" means a person performing domestic services in a private residence of the employer, where the employer is an individual, family, local college club, or local chapter of a college fraternity or sorority and not an agency or other entity engaged in the business of providing domestic workers to the public and the person is not defined as an independent contractor under RSA 281-A:2, VI(b) *or registered under RSA 281-A:3-b.*

2 Workers' Compensation; Definitions; Employee With Respect to Private Employment. Amend the introductory paragraph of RSA 281-A:2, VI(b)(1) to read as follows:

(b)(1) Subject to the preceding subparagraph, any person, other than a direct seller or qualified real estate broker or agent or real estate appraiser, or person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who performs services for pay for an employer, is presumed to be an employee. ***This presumption may be rebutted by presenting to the employer a certificate of registration obtained pursuant to RSA 281-A:3-b.*** This presumption may ***also*** be rebutted by proof that an individual meets all of the following criteria:

3 New Section; Registration for Independent Contractors. Amend RSA 281-A by inserting after section 3-a the following new section:
Registration for Independent Contractors

281-A:3-b Registration for Independent Contractors Authorized for Workers' Compensation.

I. Every person doing business in this state as an independent contractor for the purposes of workers' compensation under RSA 281-A may register as a sole proprietor in the manner provided in paragraph II.

II. Every person engaged as an independent contractor doing business in this state may file with the department a form signed by such person stating the name under which the business is to be conducted and the principal place of said business. The commissioner may charge a fee for filing of registration and issuance of a certificate of registration.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to any fee to be charged and forms required for the purposes of this section.

IV. This section shall not apply to employees, as defined in RSA 281-A:2, VI, who are not working in their capacity as registered independent contractors.

4 Effective Date. This act shall take effect 60 days after its passage.

2011-1173s

AMENDED ANALYSIS

This bill authorizes an independent contractor to register with the department of labor as a sole proprietor for purposes of workers' compensation. Under this bill, the department shall issue a certificate acknowledging that such person is an independent contractor for purposes of workers' compensation. The independent contractor may present the certificate to the employer which shall satisfy any audit requirement for purposes of RSA 281-A.

SENATOR DE BLOIS: Thank you, Mister President. I recommend this to be overturned so that we may re-refer.

The question is on the adoption of the Committee Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass. Failed.

Sen. De Blois moved Re-refer to Committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

EDUCATION

SB 114, prohibiting assessing teacher performance based solely on assessment scores. Ought to Pass with Amendment, Vote 3-2. Senator Forsythe for the committee.

Senate Education
March 24, 2011
2011-1215s
04/09

Amendment to SB 114

Amend the bill by replacing section 1 with the following:

1 Failure to be Renominated or Reelected. Amend RSA 189:14-a to read as follows:

189:14-a Failure to be Renominated or Reelected.

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) Any such teacher who has taught for [3] 5 consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for [3] 5 consecutive years or more in any school district in the state shall, after having taught for [2] 3 consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing *set forth* in [paragraphs I(b), II, and IV of] this section.

III. In cases of nonrenomination because of unsatisfactory performance, [the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination] *a teacher's performance shall not be based solely on state or national assessment scores received by pupils in such teacher's class.*

[IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.]

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Applicability. Section 1 of this act shall not apply to any teacher who has taught for 3 or 4 consecutive years in any school district in the state as of the effective date of this act.

Sen. Forsythe moved to Table SB 114.

The question is on the motion to Table. Adopted.

Sen. Stiles moved to remove SB 117 from the table.

The question is on the motion to remove SB 117 from the table. Adopted.

EDUCATION

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

The pending question is on the motion of Ought to Pass as Amended.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

March 29, 2011

2011-1270s

04/09

Floor Amendment to SB 117

Amend RSA 188-D:19, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) "Entity" means any individual, firm, partnership, association, corporation, organization, trust, school, or other legal entity or combination of these entities. For the purposes of this section, "entity" shall not include an individual, firm, partnership, association, corporation, organization, trust, or school that provides training or instruction only to employees whose tuition, fees, or other costs are paid entirely by their employer.

SENATOR STILES: Thank you, Mister President. I move Ought to Pass on Amendment 1270s. At the request of postsecondary, Senate Bill 117 made several significant housekeeping changes to private postsecondary career schools.

Again working with postsecondary, this amendment further clarifies the language that those entities providing training to employees paid for entirely by the employer, such as how to accommodate a recycling program in the facility or eliminating cross-contamination of a product, does not meet the standard criteria for career school and therefore should be exempt.

I urge the committee to adopt the amendment. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

SB 22, relative to alternative regulation of small incumbent local exchange carriers. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Energy and Natural Resources

March 24, 2011

2011-1197s

06/04

Amendment to SB 22

Amend the bill by replacing all after the enacting clause with the following:

1 Alternative Regulation of Small Incumbent Local Exchange Carriers.
Amend RSA 374:3-b to read as follows:

374:3-b Alternative Regulation of Small Incumbent Local Exchange Carriers.

I. In this section, "small incumbent local exchange carrier" means an incumbent local exchange carrier serving fewer than 25,000 access lines.

II. ***Solely at its option***, a small incumbent local exchange carrier subject to rate of return regulation, ***and only such small incumbent local exchange carrier***, may petition the public utilities commission for approval of an alternative form of regulation providing for regulation of such carrier's retail operations comparable to the regulation applied to competitive local exchange carriers, subject to paragraph III, due to its status as carrier of last resort.

III. The commission shall approve the alternative regulation plan if it finds that:

(a) ~~[Competitive wireline, wireless, or broadband service is available to a majority of the retail customers in each of the exchanges served by such small incumbent local exchange carrier;]~~ ***The small incumbent local exchange carrier has 25 percent fewer access lines in service than it did on December 31, 2004;***

(b) The plan provides for maximum ***stand-alone*** basic local service rates at levels that do not exceed the comparable rates charged by the largest incumbent local exchange carrier operating in the state and that do not increase by more than ~~[10]~~ 5 percent in each of the 4 years after a plan is approved with the exception that the plan may provide for additional rate adjustments, with public utilities commission review and approval, to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes;

(c) ~~[The plan promotes the offering of innovative telecommunications services in the state;~~

(d) The plan meets intercarrier service obligations under other applicable laws;

~~[(e)]~~ (d) The plan preserves universal access to affordable ***stand-alone*** basic telephone service; and

~~[(f)]~~ (e) The plan provides that, if the small incumbent local exchange carrier operating under the plan fails to meet any of the conditions set out in this section, the public utilities commission may require the small incumbent local exchange carrier to propose modifications to the alternative regulation plan or return to rate of return regulation.

IV. The alternative regulation plan may allow the small incumbent local exchange carrier to offer bundled services that include combinations of telecommunications, data, video, and other services.

V. Following approval of the alternative regulation plan, the small incumbent local exchange carrier shall no longer be subject to rate of return regulation or be required to file affiliate contracts or seek prior commission approval of financings or corporate organizational changes, including, without limitation, mergers, acquisitions, corporate restructurings, issuance or transfer of securities, or the sale, lease, or other transfer of assets or control.

VI. ***Notwithstanding any other provision of law, competitive entry in the service territory of a small incumbent local exchange carrier which has petitioned for approval of an alternative regulation plan, is consistent with the public good for the specific purpose of RSA 374:22-g and approval of such competitive entry shall not require a hearing as required under RSA 374:26.***

2 Effective Date. This act shall take effect upon its passage.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 22 Ought to Pass with Amendment Senate Bill 22 is relative to alternative regulation of small incumbent local exchange carriers. This bill modifies the requirements for use of an alternative regulation plan. The regulatory patterns that have been established and used in the past may no longer be appropriate for modern times, where there's been a rapid change in technology and communications.

Senate Bill 22 as amended will provide the necessary flexibility to make it easier to get alternative regulation by simplifying the owner's process for competitive entry that currently exists.

I respectfully request the Senate support the Committee's recommendation of Ought to Pass with Amendment on Senate Bill 22. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 35 Ought to Pass. This bill authorizes the Fish and Game Department to acquire certain dams in the Connecticut Lakes Headwaters Tract and to transfer the rights and properties to the Department of Environmental Services for repair and maintenance.

Please join the Energy and Natural Resources Committee recommendation of Ought to Pass.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 45, relative to the Connecticut Lakes headwater citizens committee. Ought to Pass, Vote 4-0. Senator Gallus for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 45 Ought to Pass. This bill adds a member to the Connecticut Lakes headwater citizens committee. Through an oversight when setting up the Committee, a landowner was not placed on the citizens committee. It is important that we establish this member so that landowners and leaseholders can be represented on this committee.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 45. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability. Ought to Pass, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 93 Ought to Pass. This bill adds an advanced practice registered nurse to persons who may complete the medical documentation for a person with a disability applying for a crossbow permit with the Fish and Game Department.

This bill is a request of the Fish and Game Department, and we would ask you to join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 93. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie. Ought to Pass, Vote 5-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 167 Ought to Pass. This names the area known as the Enfield Wildlife Management Area in Grafton County the Henry Laramie Wildlife Area.

Henry was a true visionary in regard to wildlife in our state, and worked hard to safeguard, for all of our enjoyment, the very forests, streams, and wildlife that make New Hampshire so unique. It is fitting that we pay tribute to Mr. Laramie by naming the wildlife area in his hometown in his honor.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 167. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 195, relative to special permits for transportation of deer. Ought to Pass, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 195 Ought to Pass. This bill clarifies the procedure for special permits for the transportation of deer allowed by the Executive Director of Fish and Game.

The bill is a request of the Fish and Game Department. The Department feels there is an unnecessary burden placed upon minors choosing to hunt whitetail deer, and this legislation is an effort to correct that. And, as someone who has taken minors out and introduced them to the sport of deer hunting, this will be a step in the right direction to encourage those to participate in the sport.

So, we would ask you to join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 195. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection President Bragdon moved SB 4 be Special-Ordered to after lunch.

Sen. Bradley moved to remove SB 75 from the table.

The question is on the motion to remove SB 75 from the table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 75-FN, relative to notification by the retirement system to the department of administrative services of law and rule changes; the availability of public documents of the retirement system; and clarification of part-time service.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I ask my colleagues to overturn the Inexpedient to Legislate motion so that we can debate a floor amendment to Senate Bill 75.

The pending question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Failed.

Sen. Bradley moved Ought to Pass.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

March 28, 2011

2011-1240s

10/05

Floor Amendment to SB 75-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to clarification of part-time service in the state retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Participation Standards; Classified State Employees. Amend RSA 100-A by inserting after section 28-b the following new section:

100-A:28-c Participation Standards; Classified State Employees.

I. In order to be eligible for participation in the retirement system, an employee as defined in RSA 100-A:1, V who is a classified employee of the state or of any department, commission, institution, or agency of the state government, must be employed in a full-time position with the state or a department, commission, institution, or agency of the state government, as defined by the department of administrative services, division of personnel. Employment by a classified employee in one or more part-time positions, as defined by the department of administrative services, division of personnel, shall not result in such employee's participation in the system, regardless of the number of hours worked in one or more part-time positions, regardless of whether the part-time position or positions may in some instances qualify for vacation pay, sick pay, or other benefits, and regardless of whether positions are held within one or more departments, commissions, institutions, or agencies.

II. Employment by a full-time classified employee of any department, commission, institution, or agency of the state government in a part-time position with a different department, commission, institution, or agency of the state government shall not result in retirement contributions being made in regard to the part-time position, nor shall that position be considered for the purposes of the member's participation in the retirement system.

III. Solely part-time state employment by a classified employee shall not entitle the person to benefits under this chapter or under RSA 21-I:30, RSA 21-I:30-a, or RSA 21-I:32.

IV. To the extent that any administrative rule of the New Hampshire retirement system is inconsistent with the provisions contained in this section, the operation of that rule is hereby suspended.

2 Effective Date. This act shall take effect upon its passage

2011-1240s

AMENDED ANALYSIS

The bill provides that part-time classified state employees shall not participate in the retirement system on the basis of such part-time employment.

SENATOR BRADLEY: Commissioner Linda Hodgton approached myself and others, in particular, the sponsor of the bill, Senator D'Allesandro, about the status of part-time state employees and their participation in the New Hampshire retirement system. After the hearing, after the executive session, Commissioner Hodgton came again to me and requested that we pass what was in the original bill, which you should have in front of you, section 2, which is the basis of the floor amendment. Commissioner Hodgton's point was that the State of New Hampshire has never contributed to the retirement system for part-time employees, nor are they eligible, and we should not be paying that retirement stipend. So, this floor amendment deletes section 1 of the bill, which the ED&A Committee found somewhat problematic, replaces it with section 2 of the bill, changes the effective date to passage, and I would urge the full Senate to pass this floor amendment.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 92, establishing an economic strategic commission to review the relationship between business and government. Ought to Pass with Amendment, Vote 5-0. Senator Groen for the committee.

Senate Executive Departments and Administration**March 24, 2011****2011-1209s****08/03****Amendment to SB 92**

Amend the title of the bill by replacing it with the following:

AN ACT establishing an economic strategic commission to review the relationship between business and government and changing the name of the department of resources and economic development to the department of business assistance.

Amend RSA 359-K:3, I(c)-(d) as inserted by section 1 of the bill by replacing it with the following:

(c) Twelve members of the business community, 4 of whom shall be appointed by the senate president, 4 of whom shall be appointed by the speaker of the house of representatives, and 4 of whom shall be appointed by the governor.

(d) Nine members specializing in business law, 3 of whom shall be appointed by the senate president, 3 of whom shall be appointed by the speaker of the house of representatives, and 3 of whom shall be appointed by the governor.

Amend RSA 359-K:4, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission and any subcommittees therein shall study and review all aspects of public policy, front- and back-end data interchange, coordination, technology requirements, legislative initiatives, streamlin-

ing, and such causal requirements to create a plan to project New Hampshire into a “one-door” front-end operational facility to assist in the ease of economic opportunities in the establishment, support, maintenance, education, and monitoring of the business community.

Amend RSA 359-K:4, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Study the feasibility of establishing a new adjudicatory conflict resolution center to manage business to government conflicts. This center shall manage, hear, and adjudicate conflicts when administrative hearings are unresolved, or where the business community remains aggrieved.

Amend RSA 359-K:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission may enlist any faculty and students from post-secondary institutions in New Hampshire to provide research services to the commission.

Amend RSA 359-K:6 as inserted by section 1 of the bill by replacing it with the following:

359-K:6 Report. The commission shall make an interim report of its findings and recommendations on or before November 1, 2011 and a final report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 31, 2011.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Name Change. Amend the following RSA provisions by replacing “department of resources and economic development” with “department of business assistance”: 1:16; 2:1; 2:5; 4:8-a, I-II; 4:40, III-a; 4:43, III; 6:12, I(b)(9), (13), (21), and (46); 6:12-c, II(a); 6:12-c, II(j); the chapter heading of 12-A:1; 12-A:1; 12-A:1-a; 12-A:1-b, II; 12-A:1-c; 12-A:1-d; 12-A:1-e, (intro. para.), I, and V; 12-A:2-c, I; 12-A:2-e, I; 12-A:2-f, V; 12-A:2-i; 12-A:2-j; 12-A:7; 12-A:8; 12-A:8-a; 12-A:9-a, I; 12-A:9-b, I(j), V(b), V(d), and VI; 12-A:9-c, I(j), and (l), V(b), and (d), and VI; 12-A:10; 12-A:10-a; 12-A:10-b; 12-A:10-d; 12-A:10-f, I, and IV; 12-A:13; 12-A:15, I(b), and II; 12-A:15-a, I and III; 12-A:18; 12-A:28; 12-A:29-a, (intro. para.); 12-A:29-c, I; 12-A:30, II(d); 12-A:31; 12-A:32, I and V; 12-A:33, I; 12-A:34; 12-A:43-a, I; 12-A:44, III; 12-A:45-a; 12-A:54, I-III; 12-A:55, VI(c) and VII; 12-A:58, I; 12-A:61, I and IV; 12-B:2; 12-E:1, III and XIII; 12-E:4, VI(d); 12-E:6, I; 12-G:43-a, I; 12-G:44, I; 12-I:1, IV; 12-I:18, I(e); 21-I:80, I(b); 21-K:23, III(c); 21-O:12, II; 21-O:19, I(b); 21-P:27, I(b) and II(a); 21-P:48, I(j); 21-T:1, II(b); 31:112, I; 36-A:2; 36-A:6; 78-A:3, III(b); 79:8; 79:10, I(g); 79:11, I; 79:14, II; 79:28-a; 79-A:3, II(e); 100-A:1, VII-a(b); 125-N:5, I; 125-O:5-a, II(e); 149-O:3, I(e); 154:30-g; 162-B:4, II; 162-C:1, II; 162-H:3; 162-H:4, V; 162-L:2, II; 162-L:15, II(d); 162-Q:2; 162-Q:3, (intro. para.); 187-A:31; 187-A:32, I(a); 207:31; 212:10; 212:14; 212:19; 214:14-c; 215-A:1, II; 215-A:2; 215-A:3, I, II, II-b, III, V, VII, and IX; 215-A:3-a, (intro. para.); 215-A:3-b, I-II; 215-A:6, III(b)(4); 215-A:16, II; 215-A:17; 215-A:18, II; 215-A:21, X(a)(1)-(2); 215-A:21, X(b)(1)-(2); 215-A:23; 215-A:30, I(a)-(b); 215-A:31; 215-A:40; 215-A:42, I(a)-(b); 215-A:43, (intro. para.), VI and VII(b)(3); 215-A:44, III; 215-C:1, III; 215-C:2; 215-C:3, (intro. para.); 215-C:3-a; 215-C:8, III(b)(4); 215-C:32, II-III; 215-C:33, II; 215-C:39; 215-C:50, I(a)-(b); 215-C:51; 215-C:56; 215-C:57, III; 216:3, I and IV(a); 216:5; 216:7, I; 216:8, IV; 216:9, II and V; 216:10, I; 216:11, IV; 216-A:2, VII; 216-A:3, (intro. para.); 216-A:3-g, (intro. para.),

216-A:3-i; 216-A:3-k, I(b) and VI(d); 216-A:3-l, (intro. para.); 216-A:3-m, II; 216-A:5; 216-A:12; 216-A:16; 216-D:2; 216-D:4; 216-F:1, I; 216-F:4; 216-F:6; 216-H:2; 216-J:2, I(a); 217-A:3, II, III, and XII; 219:21; 227:1; 227:3; 227:8; 227:12; 227:14; 227-B:6, V-VI; 227-C:19; 227-D:2; 227-D:3; 227-D:5, I and VI; 227-D:6; 227-E:6, II; 227-G:2; 227-G:3, I(c); 227-J:6, II; 227-L:5-a, I and IV; 227-L:28; 227-L:32; 227-M:4, II(f); 228:106; 230:76; 231:139; 231:153; 233:8, I; 233-A:2, I(b); 236:86, II; 238:20, I(c); 238:23, I; 261:97-b, I; 261:97-c, IV; 261:97-f, I; 265:76; 265:102, I-a; 270:107, III; 276-A:24, I; 380:7; 380:17; 380:18; 430:30, I(c); 432:10; 432:19, II(b); 436-A:1; 481:3, X and X-a; 482:3, I; 482:48; 482:51, IV-V; 482-A:3, V, XI(c), XII, and XV(a); 482-A:14-a; 482-A:32, II(d); 483:10-a; 483-B:5, I; 483-B:15; 485-A:17, IV-V; 485-A:22-a, (intro para.); and 485-B:1-a.

3 Name Change. Amend the following RSA provisions by replacing "commissioner of resources and economic development" with "commissioner of business assistance": 12-A:1; 12-A:1-b; 12-A:1-e, II(a), IV, VII, and IX; 12-A:2; 12-A:2-d; 12-A:2-g, 12-A:2-h; 12-A:4; 12-A:5, I; 12-A:6; 12-A:7; 12-A:8; 12-A:21 (intro para.); 12-A:22 (intro para.); 12-A:23 (intro para.); 12-A:25; 12-A:29-b, V; 12-A:29-c; 12-A:30, I; 12-A:31; 12-A:32, II(a)(1), IV, VII, and IX; 12-A:36; 12-A:43 (intro para.); 12-A:43-a, II; 12-A:45, I(a); 12-A:45-a; 12-A:46, II(b) and II(h); 12-A:61, V; 12-B:2; 12-B:4; 21-O:5-a, I(c); 36-A:6; 77-E:3-c, I(a); 162-N:1; 162-N:2; 162-N:3; 162-N:4; 162-N:5; 162-N:8; 162-N:9; 162-O:1, I; 162-P:1, I; 215-A:3-b, II; 215-A:31; 215-A:42, III; 215-C:3-a, II; 215-C:51; 216:3, IV(b); 216-A:2 (intro para.); 216-A:2, VIII; 216-A:3-d, I; 216-A:3-e, I and III; 218:6; 219:21, I; 227-C:29, I(c); 227-K:15; 261:75-c; 261:97-d, I(d); 282-A:138-a, I II; 430:54, I(c); 483:8, II; and 483-A:6, III.

2011-1209s

AMENDED ANALYSIS

This bill establishes an economic strategic commission to review the relationship between business and government and changes the name of the department of resources and economic development to the department of business assistance.

SENATOR GROEN: Thank you, Mister President. I move Senate Bill 92 Ought to Pass as Amended. Senate Bill 92 would create a commission to examine the relationship between business and government. The commission's intentions would be threefold: to review our business statutes in relation to both physical and intellectual property protections for New Hampshire, bringing together delegates from our legal community specializing in legal administration, which would include a review of the feasibility to create a business resolution center, and lastly, provide a vehicle where the business community can seek through due process. I believe this commission has the potential to modernize and improve New Hampshire business regulation systems and keep our state very friendly to businesses.

The Committee voted favorably 5-0 Ought to Pass as Amended, and we therefore ask for your support in its passage. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 7

March 28, 2011

2011-1234s

09/04

Floor Amendment to SB 92

Amend the title of the bill by replacing it with the following:

AN ACT establishing an economic strategic commission to review the relationship between business and government.

Amend RSA 359-K:4, III as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Consider changing the name of the department of resources and economic development to the department of business advancement-NH or any other name that conveys New Hampshire's desire to promote economic growth and prosperity.

Amend RSA 359-K:6 as inserted by section 1 of the bill by replacing it with the following:

359-K:6 Report. The commission shall make status reports on its findings and recommendations on or before December 1, 2011 and August 1, 2012, a preliminary report of its findings and recommendations on or before October 1, 2012, and a final report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2012.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 359-K, relative to the economic strategic commission to review the relationship between business and government, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2012.

II. The remainder of this act shall take effect upon its passage.

2011-1234s

AMENDED ANALYSIS

This bill establishes an economic strategic commission to review the relationship between business and government.

SENATOR SANBORN: Thank you, Mister President. I appreciate it. My floor amendment on Senate Bill 92, which is 1234s, effectively does two changes. We've realized that the breadth of this commission is going to require some additional time, so we're extending the timeline of the commission for when it has to report back to the Senate, and when its final report needs to be done, which will be December of 2012. In addition to that, there was a concept of whether or not the Committee should be considering a name change to what we all commonly know as "DRED", which is so much better than "DED", but in an effort to be pro-business in the State of New Hampshire, there have been some suggestions by my good friend, Senator Luther over there, participated in trying to change the name to the Division of Business Advancement, and we ask that the commission consider that name. And, I recommend it pass. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I simply rise to commend the wisdom of the floor amendment in that to change the name of a department in the middle of a season would cause dramatic problems as well as expenses to the Department. And, I'm not sure that DBA is better than DRED, but I believe that we ought to take some time and consider carefully what the name change should be. As we pointed out in committee, there are also resources under this department, as well as business assistance. So, we need to consider all that carefully. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: I just want to applaud this bill. We were called to this session to build the economy and jobs. And, I think this bill is a great bill; it's going to help us as a state to become more competitive in the region and the country, and I support it 100 percent.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. Ought to Pass, Vote 5-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. It's my privilege to introduce this bill. I move Senate Bill 166 Ought to Pass. SB 166 would reinstate what previously had been promised as premium payment for medical benefits for beneficiaries of police officers and firefighters killed in the line of duty. This bill would require the premium payments for medical benefits for the surviving spouse and dependent children shall not be reduced by the application of a maximum benefit limitation.

The ED&A Committee voted unanimously in favor, 5-0, Ought to Pass, and we ask for your support in its adoption. Thank you, Mister President.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. And, I would like to thank my colleagues on the ED&A Committee. This was a bill that I brought in on behalf of a constituent. Her husband was killed in the line of duty, and they got caught up in all the retirement changes, and the benefit was reduced. I think it's very important that we send a strong statement that we support the families of our fallen firefighters and police officers and that we do the right thing here today. Thank you very much.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 24, 2011

2011-1193s

10/04

Amendment to SB 170

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) is a mutual form of insurance plan funded in the first instance by premiums paid by policyholders. Since 1986, the NHMMJUA has amassed more funds through premium payments than is necessary to sustain operations. Return premiums should be issued to all policyholders who have contributed to the current surplus of funds.

2 New Section; New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA). Amend RSA 404-C by inserting after section 13 the following new section:

404-C:14 New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA).

I. Notwithstanding any provision of law to the contrary, no officer or agent of the state shall take or transfer, through taxation or otherwise, any funds now held by the NHMMJUA in a manner inconsistent with this section.

II. All funds held as of the effective date of this section by the NHMMJUA in excess of the amount required for the fund to remain actuarially sound, as determined by a qualified actuary, shall constitute excess surplus funds and shall not be less than \$110,000,000 in accordance with 2009, 144:1. Such determination shall be completed under the direction of the NHMMJUA board of directors not more than 45 days from the effective date of this section. All such excess surplus funds have resulted from premiums paid under assessable and participating medical malpractice insurance policies, belong to the policyholders who paid these premiums, and shall be returned as directed under this section. Within 60 days from the effective date of this section, all excess surplus funds, except for a reserve of \$25,000,000 for the payment of any federal tax liability, shall be interpleaded into the Merrimack County Superior Court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to excess surplus funds. All distributions made to policyholders shall be subject to a claim from the NHMMJUA to reclaim a pro rata portion of the distribution to satisfy any federal tax liabilities in excess of the \$25,000,000 reserved for such claims.

III. Within 30 days of the effective date of this section, the NHMMJUA, the insurance commissioner, or designee, and a representative of NHMMJUA policyholders, designated by the president of the New Hampshire Medical Society, shall jointly approach the United States Internal Revenue Service to obtain a closing agreement, or its equivalent, determining whether the NHMMJUA has any federal tax liability arising from the excess premiums paid and that shall be returned to policyholders.

IV. No later than 30 days after receipt of the closing agreement, or its equivalent, the NHMMJUA shall interplead into the Merrimack County Superior Court docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to these remaining excess surplus funds the remaining amount of the tax reserve after satisfaction of any taxes owed.

V. Funds that cannot be distributed to a policyholder in the court proceedings referenced in this section due to the inability to locate the policyholder after reasonable efforts, shall revert to the NHMMJUA. Undistributed funds that revert to the NHMMJUA as provided in this section shall be used to provide grants in aid to health care providers servicing medically underserved populations to assist in the NHMMJUA coverage.

VI. The approval of the commissioner of insurance shall not be required for any action contemplated under this section.

3 Effective Date. This act shall take effect upon its passage.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 170 Ought to Pass as Amended. Senate Bill 170 declares that the State shall not take or transfer through taxation or otherwise any funds now held by the New Hampshire Medical Malpractice Joint Underwriting Association.

Since 1986, the JUA has amassed more funds through premium payments than is necessary to sustain operations, and the return of premiums should be issued to all policyholders who have contributed to the current surplus funds.

In addition, Senate Bill 170 requires that the JUA, along with the Insurance Commissioner or designee, and a representative of the JUA policyholders designated by the New Hampshire Medical Society, approach the United States Internal Revenue Service to obtain a closing agreement determining whether the JUA has any federal tax liability arising from excess premiums paid. This legislation also requires a reserve of \$25 million, which shall be interpleaded into the Merrimack County Superior Court for the payment of any federal tax liability.

Funds that cannot be distributed to a policyholder due to the inability to locate that policyholder shall revert to the JUA. These undistributed funds that revert shall be used to provide grants and aid to healthcare providers servicing medically underserved populations to assist in JUA coverage.

The ED&A Committee voted unanimously in favor, 5-0, Ought to Pass as Amended, and we therefore ask for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. White asserts Rule 2-15 on SB 170.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against Senate Bill 170. As one of the few people who was around here when the JUA was created – I was on the Executive Council when we called a special session of the Legislature. We called a special session of the Legislature to deal with the problem: it was the ability to get malpractice insurance. The gynecologists and the hospitals were at wits end because there was an inability to get insurance. The State stepped in. The State provided malpractice insurance and said it would never be 10 percent more than what was the going rate – 10 percent less than the going rate. So, the State stepped in, performed good public policy, and those insured got exactly what they paid for: they got insurance; they were covered. Isn't that how insurance works? Or do you get rebates? You buy life insurance and you don't die, do they rebate the money that you've paid in? I don't think so.

So, in essence, the State did the right thing. And, now we're talking about giving money back to those who bought insurance. Well, it seems to me the State was responsible, the State fulfilled a void that was created, and now where's the money going? Well, we're going to pay some taxes, because for years, it was a non-taxed entity – no taxes were paid; no taxes were paid to the State, no taxes were paid to the federal government – it was a non-taxable situation. Now we're going to pay federal taxes on it and we're going to try to find the people who paid, but we can't find them any more. And, what are we going to do with that money? We're going to set up a trust. It just seems to me that we're on the wrong path, here. We're on the wrong path. The State comes in and does the right thing, and now we're undoing it with what, in my opinion, is the wrong thing. Thank you, Mister President.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. And, I'd like to address some of the concerns that have been expressed by my esteemed colleague from Manchester.

I think it's important to realize that over the life of this fund, disbursements have been made twice to the policyholders. Yes, we created this fund through policy, but the State has never contributed a dime to this

fund. This fund has accumulated because of the policyholders and, quite frankly, the good investment management of the trustees of this fund. We are not entitled to this money; it does not belong to us. And again, not one dollar of taxpayer money was ever funded.

In JLCAR we had this issue come before us, and we were given a copy of the policy itself. And, quite clearly, it does say any excess funds will be returned to the policyholders. It does not belong to us. Yes, there are some questions about tax liability, that's why the amendment provides as vehicle for the JUA to resolve that issue. The State does not have a dog in this fight, quite frankly. We are trying to fight over \$110 million that we do not have a right to. And, what this bill does is very clearly lays out a path for the issue to be resolved. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro for a question of Sen. Carson.)

SENATOR D'ALLESANDRO: Thank you, Senator Carson. Senator Carson, should the State have put up money to protect people when they provided a vehicle for that protection? Why should the State have put up money?

SENATOR CARSON: Well, thank you for your question. And, again, that was a decision that was made when this fund was set up by us, by policy. The people that were here decided not to give it any money, that the impetus, or the whole issue of the fund, would fall upon the doctors themselves, not the State. We should not be in the insurance business, the State itself. If I may, we are precluded by law from doing that.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. It just seems to me, when you can use the State for your advantage, you do it. And, that's what happened in 1975. Nobody could get insurance! So, who supplied the vehicle for the insurance? The State of New Hampshire. The State of New Hampshire stepped up to the plate and protected the doctors and protected the hospitals. That's good public policy; that's what the State should do. Now to say that the State doesn't have any role I think is inconsistent with that policy. It's use the State when the State's usable, discard the State when it's not usable. It doesn't make any sense to me. Thank you, Mister President.

(The Chair recognized Sen. Boutin for a question of Sen. Carson.)

SENATOR BOUTIN: Senator Carson, I'm listening to this debate, and I'm a bit confused. Could you clarify for me – that money that is in the JUA account, whose money is that?

SENATOR CARSON: Thank you for the question. That money belongs to the policyholders.

SENATOR BOUTIN: Thank you, Senator.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President, for your indulgence. I would also like to remind my colleagues that back in the 1980s, this fund ran into a great deal of difficulty. And, they were basically told to solve the problem themselves; the State did not intervene. And, they did, and they have been very, very successful. And, again, I believe that bolsters the argument that this is not our money, we have no right to it; this money belongs to the policyholders. Mister President, I would also like to ask for a roll call.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Carson, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: D'Allesandro.

Yeas: 23 - Nays: 1

Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 170.

FINANCE

SB 3-FN-A-L, making comprehensive changes to the state retirement system. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

Senate Finance

March 24, 2011

2011-1221s

10/05

Amendment to SB 3-FN-A-LOCAL

Amend the bill by replacing sections 1 and 2 with the following:

1 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For [all] members *who have attained vested status prior to January 1, 2012* the full base rate of compensation paid, *as determined by the employer*, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities [~~or for other extra or special duty~~], and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. *Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.* However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent

policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For members who begin service after December 31, 2011 or who are not in vested status on January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity pay, cost of living bonus, additional pay for extracurricular and instructional activities, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 5 years of creditable service as provided in paragraph XVIII. Earnable compensation shall not include incentives to encourage members to retire, severance pay, and pay for unused sick or vacation time. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

2 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For members who have attained vested status prior to January 1, 2012, the average annual earnable compensation of a mem-

ber during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. ***For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.***

(b) For members who began service after December 31, 2011 or have not attained vested status on January 1, 2012, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 5 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

Amend the bill by replacing sections 4-11 with the following:

4 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II ***who is in vested status before January 1, 2012***, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, ***and any group II member who commenced service after December 31, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d).***

5 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, ***who is in vested status before January 1, 2012***, who has attained age 45 and completed 20 years of creditable service, ***and any group II member who commenced service after December 31, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members not in vested status on January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d)***, or ***any group II member in service*** who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before January 1, 2012*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service after December 31, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *is in vested status before January 1, 2012* and has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, *and any group II member who commenced service after December 31, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

(d) Active group II members who are not in vested status on January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on January 1, 2012 according to the following table:

<u>Creditable service</u> <u>on January 1, 2012</u>	<u>Minimum years</u> <u>of service</u>	<u>Minimum</u> <u>age attained</u>	<u>Annuity</u> <u>multiplier</u>
(1) Less than 4 years	24	age 49	2.1%
(2) At least 4 years but less than 6 years	23	age 48	2.2%
(3) At least 6 years but less than 8 years	22	age 47	2.3%
(4) At least 8 years but less than 10 years	21	age 46	2.4%

6 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member

annuity, *for members who are in vested status before January 1, 2012*, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary disability retirement, *or for members who commenced service after December 31, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 50 at the time of ordinary disability retirement, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50* provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

7 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement.

(1) *For members who are in vested status before January 1, 2012*, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) *For members who commenced service after December 31, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 50 years.*

(3) *For group II members not in vested status on January 1, 2012 calculation of the supplemental allowance shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the number of years for the supplement adjusted proportionally.*

8 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) *For members who are in vested status before January 1, 2012*, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, *or for members who commenced service after December 31, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d), or at any time after age 60*, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to

a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

9 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member *who is in vested status before January 1, 2012 and*, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) *For a member who commenced service after December 31, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.*

(c) *For group II members not in vested status on January 1, 2012, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.*

10 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 *for members who are in vested status with group II service before September 1, 2011 or at least 50 for members who commenced group II service after December 31, 2011, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

11 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

(1) ~~[Employees of employers other than the state 5.00
Employees of the state hired on or before June 30, 2009 5.00
Employees of the state hired after June 30, 2009 7.00
Teachers 5.00]~~

Group I members, 7.00

(2) ~~[Permanent Policemen 9.30
Permanent Firemen 9.30]~~

Group II members, 11.30

(aa) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who are in vested status before January 1, 2012* with creditable service in excess of 40 years *and group II members who commenced service after December 31, 2011 with creditable service in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who is in vested status before January 1, 2012* with creditable service in excess of 40 years, *and any group II member who commenced service after December 31, 2011 with creditable service in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

Amend RSA 100-A:27-a as inserted by section 19 of the bill by replacing it with the following:

100-A:27-a Return to Work; Suspension of Benefits. No person who retires after January 1, 2012 and is receiving retirement benefits under this chapter shall within 6 months of his or her retirement be employed by the state or another participating employer. Beginning January 1, 2012, no person shall be hired into a full-time position for which membership is required under RSA 100-A:3, or hired into a full-time state position for which membership is optional under RSA 100-A:3, I, while concurrently receiving a retirement benefit under this chapter. Benefits shall be suspended during any such period of employment.

Amend subparagraph I(b) of section 22 of the bill by replacing it with the following:

(b) Three members of the house of representatives, each of whom shall be from the special committee on public employee pensions reform, appointed by the speaker of the house of representatives.

Amend paragraph I of section 23 of the bill by replacing it with the following:

I. RSA 100-A:16, III-a, relative to employer assessments for excess benefits paid by employers in the retirement system.

Amend the bill by replacing all after section 24 with the following:

25 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of this act. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective during the biennium beginning July 1, 2011, and the recertification of employer contribution percentages, applicable beginning January 1, 2012, shall be provided to each employer within a reasonable period of time not to exceed 30 days from January 1, 2012 and shall be calculated using most recent information available. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

26 Effective Date.

I. Sections 1, 2, 4-10, 11, 19, and 20 of this act shall take effect January 1, 2012.

II. Section 3 of this act shall take effect July 1, 2016.

III. The remainder of this act shall take effect upon its passage.

2011-1221s

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Eliminating the special account.

V. Eliminating the retirement system funding of medical benefits premium payments.

VI. Increasing contribution rates.

VII. Establishing committee to study the establishment of a federal tax qualified voluntary defined contribution plan administered by the board of trustees.

VIII. Limiting when a member in service may concurrently receive benefits.

Recess. Out of recess.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 3 Ought to Pass with Amendment. These changes are necessary so that we are able to establish two important goals: One, that we have a retirement system that is stable and viable, and two, that the burden of the unfunded liability is equitable and shared. This legislation helps stabilize the New Hampshire retirement system, which presently has a total unfunded liability of nearly \$4.75 billion.

This bill as amended makes reasonable changes to the retirement system for teachers, firefighters, police officers, and other public employees, while not overburdening the taxpayers.

The amendment addresses technical and other necessary changes. The effective date for various sections in this bill has been moved to January 1st of

2012. The date has been changed to accommodate the retirement system in their quest for more time to implement the changes in the pension calculations. Due to the delay in the implementation of the changes to the system, the phase-in period of the increase in the employee contributions has been done away with; employee contributions increase to 7 percent for Group I and 11.3 percent for Group II. The amendment also calls for a recalculation and recertification of employer rates to account for the changes to the retirement system.

Now is the time to help the retirement system and move forward. Ten years ago, the funded ratio was at a healthy 89.9 percent, and now has dropped to 58.5 percent in 2009. If we do not act now, we will begin to impact New Hampshire's bond rating, driving up the cost of borrowing, and especially with Moody's recent announcement that they are beginning to consider unfunded pension liabilities in states' ratings. Given the enormity of the funding shortfall and the pending impact on property taxpayers, it is certainly appropriate to ask the beneficiaries with less than 10 years of service to share in the solution.

We, the Senate, are committed to meeting the retirement system's long-term obligations and making decisions based on the best interests of all stakeholders. Please support the Finance Committee motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to speak against Senate Bill 3. You heard me speak against this before it went to Finance. My concerns remain the same.

We spent a great deal of time, two bienniums ago, working on the retirement system; we made a number of significant changes that would take this system and, over a 30-year period, would restore the system and make the system whole. I think the retirement system people who came to the Committee agreed with that, that we had made changes, significant changes, both in terms of how the money is invested through an investment committee; we put together a unique program having to do with the health coverage that becomes self-funding. So, we've made gigantic strides.

What this bill has done is created, in the corpus of those who are covered by the system, great concern about their ability to get their retirement. That didn't need to happen; we didn't need to do that. We made changes that made things better. Now what we've done is, I think, caused great concern about those who are getting ready and thinking about retirement. I mentioned this the last time: In the City of Manchester, we've got 83 firefighters who can retire. We've got 40 police officers who can retire. If they all left today, and they're all eligible for retirement, what burden would that put on the City in terms of the buyout provisions? That's something that concerns me. In the Town of Goffstown we have the same situation; they are the areas that I represent.

The term "vested" – what is the explanation? What is the clear definition of what "vesting" is? We've never heard that; it's not defined in statute. Does a system that says to the employee: "You're going to pay 2 percent more," and, on the fact of the employer, "You pay less"? One of the reasons we're in this predicament is because the employers paid less for a long period of time when this system was producing beyond

the specified rate of return. We're also removing \$89 million from the special account. That means there won't be any more COLAs! Special accounts were created for that.

These are the concerns that I have with this piece of legislation. We're all here to do the right thing. I applaud Senator Bradley for bringing this forward. We do need change. We know that; we recognized that two bienniums ago. And, we did move forward; the retirement system has made significant changes at this point in time. We're throwing around numbers like they're going out of style: \$7 billion is the unfunded liability – somebody said that at a meeting I was at in Goffstown: "There's a \$7 billion unfunded liability!" Count to 7 billion, I should have said to him! How do you know there's a \$7 billion unfunded liability? That's nonsense; we don't have a \$7 billion unfunded liability. The system is not going to collapse; we know it isn't going to collapse. Is it as good as it was in the past? No, we know that. Well, we had 120 percent! But, we don't have 120 percent any more. But, one of the reasons for that has been the contribution by the employers. Employees have always paid their contribution – always; that's always been paid; it's never been reduced.

For these reasons, Mister President, I ask that we think long and hard about this piece of legislation. Thank you.

(The Chair recognized Sen. Boutin for a question of Sen. Morse.)

SENATOR BOUTIN: Senator Morse, would it be accurate to say that if we pass this bill that we are eliminating the retirement system?

SENATOR MORSE: No.

(The Chair recognized Sen. Boutin for a follow-up question of Sen. Morse.)

SENATOR BOUTIN: Thank you for clarifying that for me. The second question is, if we did not pass this bill with the changes that it embodies, what would be the impact on the property taxpayers in our cities and towns?

SENATOR MORSE: It's twofold Senator. Obviously, if you look at the House's budget, the State, in passing an amendment much like ours, will be able to help those kids that we can't help right now in the budget. The towns will be able to calculate much clearer, knowing that it's 100 percent of base pay. Those are two important things that are going to happen in this phase of the budget.

SENATOR BOUTIN: Thank you, Senator.

(The Chair recognized Sen. Larsen for a question of Sen. Morse.)

SENATOR LARSEN: So, following up on that question then, is one of the reasons for passing Senate Bill 3 to in fact reduce the...decrease the employer rates? You talked about the taxpayers; certainly we're all concerned about the taxpayers. Is one of the goals of Senate Bill 3 to decrease employer rates?

SENATOR MORSE: No, I don't believe that is the case. I do believe the case is we need to be stable in our payments, and I think that is something that we're concerned about locally, as local officials, and as state officials. The rise in costs – and, you do have to understand, Senator – the rise in costs on our communities have been over \$200 million. That's a big cause of concern locally. They cannot afford to put any more on the tax base. And, selectmen and school district people have made it perfectly clear that they cannot afford increases like that any more. And, this bill will address that.

SENATOR LARSEN: And so, further question. So, in fact, it is to decrease employer rates, because you're seeking to reduce what you see as a heavy burden on the cities and towns?

SENATOR MORSE: No, Senator. If we didn't think the prices were increasing in all areas, then you could use that. But, the reality is, this has been an increase in our communities of over \$200 million. It has not been a decrease. The towns in the state have not walked away from their share of the obligation.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Morse.)

SENATOR LARSEN: So, if we pass Senate Bill 3, do you foresee that you will accomplish a rate decrease for the cities and towns?

SENATOR MORSE: If we pass Senate Bill 3, I think we've accomplished some stabilization in the retirement system, and I think that's what people are asking for at both ends, Senator. I honestly believe the retirees want to know where this is going. I think that's important to them, and as equally important is the people in the communities want to know when it's going to stop rising on them. And, I think that's what Senate Bill 3 will accomplish.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just would reiterate comments I made before in the Senate, that this bill is about fairness for everyone, and there is a lot of stakeholders in the retirement system – arguably every person in New Hampshire is a stakeholder in the system; it's not just about people who pay into the system or receive benefits, it's about taxpayers – it's about a lot of different stakeholders. And, we have tried to be fair – that's been the number one objective of the ED&A Committee throughout this process, is to engage all stakeholders and hear their concerns and be as fair and objective as we could to each of them. And, I think that lost in a lot of this discussion again is the point that if we do nothing, we risk grave consequences down the road, some of which we're already seeing in some of our neighboring state – or, not neighboring, but other states in this country, where great acrimony is happening between the public sector and taxpayers. We don't want to go there. We're trying to head this off at the pass, so to speak. We see a problem, we're trying to do the right thing and make the solution now, not when it will be more painful and arguably Draconian. The time to act on this is now, when all stakeholders are minimally affected, relatively speaking; I think we've accomplished that. I strongly support this bill, I ask my colleagues to strongly support this bill.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to oppose, once again, although we had a full discussion as this came prior to Finance, but simply to rise to oppose Senate Bill 3.

If you look at even the amended analysis of Senate Bill 3, Senate Bill 3 increases retirement ages on Group II members, etc. Senate Bill 3 changes the definition of earnable compensation. People have been saying: "We need change; we need to change this system." And, when Senator Morse introduced the bill, he said the goal was to make the burden of unfunded liability – to make sure that the burden of unfunded liability is equitable and shared. I heard that word "shared"; that means employer and

employee sharing the obligations to keep this fund stable and able to be used into the future. So, is it shared when the amended analysis alone says we're increasing retirement ages, we're changing the definition of earnable compensation, we are changing the composition of the board of trustees to add more people who are employers and to take away those whose voices are paying into the system in greater numbers? We are eliminating the special account of \$89 million; that was a shared cost, which is going into the general fund, now. It eliminates the opportunity for cost-of-living increases for at least the next 30 years. By eliminating that special account, those who are living on \$20,000 – retired teachers who retired so many years ago – they will never see a cost-of-living unless, through some largess by the Senate and House, we decide to just give them some extra general fund money.

We say we want this to be a shared benefit, but we are eliminating the medical benefits premium payment that we know many people counted on. We are eliminating increasing contribution rates – the contribution rates of employees. We are limiting when a member in service may concurrently receive benefits. In each case, we are going after those who have worked in public service for the State. The shared burden of balancing this is heavily upon the employee. And, it is not a shared burden in Senate Bill 3. And, I believe it is aimed at working to decrease employer rates. We all understand the forces that are causing this. And, quite honestly, one of the biggest forces causing this is healthcare cost increases. And, if you believe that we need to work on healthcare cost increases, that alone would solve so much of what is the pressures on school boards, on cities and towns: the cost of healthcare. But, it is not our job to place all of the burden on the employees, and that's what's happening with this bill, and that's why Senate Bill 3 is wrong, and we should not pass it today. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I'd like to just take a moment to address some of the issues that have been raised by both Senator Larsen and Senator D'Allesandro.

Much has been made about employer rates. I'd like to talk about where employer rates are going to be in fiscal year 2014 – in other words, two years from today – and then my good friends from Concord and Manchester can judge whether the burden is in fact a shared burden.

The rate for teachers, Senator Larsen, will be 13.6 percent of salary in two years. The rate for police officers will be 29.2 percent of salary, and the rate for firefighters will be 33.9 percent of salary. That's before the board adjusts the fact that for 20 years we have not met our investment return targets. And, when we had the discussion here two weeks ago, remember that two-thirds, roughly, of the income that a pension system earns is from investment income. And, because the assumed rate of return for 20 years was 8.5 percent, but the actual has been 7.8 percent, and really only 2.3 percent for the last 10 years; this is what could happen to rates when the board makes that adjustment. The rate for teachers could go to 16 percent; the rate for police officers could go to 34.3 percent; and the rate for firefighters could go to 39.3 percent. I would submit to my colleagues, those rates are unsustainable. And, I would submit to my good friend from Manchester, that's why the police chief of Manchester has talked to us about the fact, among other things, that there are 27 vacant positions right now in the Manchester Police Department and 14 vacant firefighter positions, because the cost, not just the salary, but the cost level for these

employees has grown precipitously and will continue to grow. So, when people talk about a shared burden, ladies and gentlemen, the burden right now is crushing on employers, which means property taxpayers.

I'd like to address some of the other things that were brought up by both my good friends. And, maybe it would be good to go back, for all of us, if we could have been flies on the wall here, to the debate that probably occurred in this chamber in 2007 and 2008. Senator Larsen, you voted for a bill that changed the definition of "earnable compensation"; that's what you did. And, my good friend Senator D'Allesandro, you voted for a bill that moved \$250 million from the special account into the corpus because of the IRS rulings and because the medical subsidy is an employer responsibility. We are doing, Senator, the same thing that you did several years ago, because today, that money, which was diverted from the corpus, the body of the pension plan, into the special account, has now become an employer responsibility. So, it never should have gone there in the first place per the IRS ruling. We are doing exactly what you did.

There was discussion about the medical subsidy, and I would remind my good friend from Concord: You eliminated the growth in the medical subsidy. We just continue the same policy that you established, because the medical subsidy has a \$975 million unfunded liability with only about \$50 million of assets in it. It's a bit of a problem. We are proposing to preserve the medical subsidy for those people who are receiving it or will be able to receive it in the future, but we follow your lead in terms of not allowing a growth factor to come back.

But, I really am most interested in what you talked about in terms of eliminating the special account. First of all, we don't do that. Again, we build upon your good efforts, Senator D'Allesandro's good efforts, and, quite frankly, the 24-0 majority of the Senate that voted to do this, both in 1645 and 643, to eliminate gain-share. What is gain-sharing? That's a fancy schmancy name for diverting money out of the main body of the pension fund into the special account to pay for benefits over and above what we were able to pay for. Now, I'm the first one to sit here and say that we have got to resolve the COLA issue. But, remember, it was legislation that both of you had sponsored that changed the COLAs in the last biennium to 1.5 percent of the first \$30,000, and eliminating gain-sharing for the foreseeable future. That's what you did. We're just preserving that and making sure that a pension plan that depends on two-thirds of its investment income to be whole and viable and do what a pension plan is supposed to do, it actually can do. You did it, and we're making sure that it stays in the future.

Now, there's been some discussion this morning about the payment holiday that the cities and towns took. And, I'd really like to address that. Because, that goes back to a time that probably only Senator Barnes, Senator Larsen, Senator D'Allesandro and myself actually were in this building. When the Legislature set an actuarial methodology that understated the future true costs, it should have been removed after a temporary use of it; it wasn't. So, when it finally was removed, yes, city and town rates went up, and they're going up and up and up to the level that I just described. We all know that happened. But, at the same time, the gain-sharing provision. When years were good in the retirement system, and the few years that there were that exceeded the 8.5 percent assumed return, money was diverted from the pension fund and put into the special account. You blocked it. And, guess what? The very

people that are arguing so loudly – our friends who are labor union officials – who are arguing so loudly that cities and towns got a payroll holiday, now seem to think, in Merrimack Superior Court, that there is a constitutionally protected right to divert money out of our pension system. It is no wonder why we're in the predicament that we're in.

Now, I heard my good friend say that he has heard people claim that there's a \$7 billion unfunded liability. That actual unfunded liability in our pension system – pensions plus medical subsidy – is \$4.7 billion. And, I'd be happy to share, Senator D'Allesandro, with you these books – show you right where it is. I will tell you this: It ain't nighttime reading, but it'll give you nightmares. Because, as we look out into the future, this is the unfunded liability that we face. Now, you made a lot of very good changes. I would suggest, though, that you didn't go far enough, because in 2007 and 8, the unfunded liability was about \$2.7 billion, and then \$3 billion in 2008. Right now, it's \$4.7 billion. When the investment return on assumptions are factored in, it will increase by nearly another billion dollars depending on the investment rate that the board pays. This is a burden that will mean several things: It will make our pension system unstable; it will make it increasingly difficult for cities and towns, for counties and the State to be able to pay for the retirement costs of employees, and we see the job losses that are coming – I cited your fair City of Manchester and the vacant positions.

These are the ramifications that we face if we don't make these changes today. We have made this as fair as humanly possible. We will continue to be open to any good suggestions as legislation comes our way from the House to try to improve a bill. But, at the end of the day, the goal that those of you who were here in the past tried to establish in 2007 and 2008 has got to be our goal: a viable retirement system without all of the unfunded burden falling on the backs of property taxpayers. That's what Senate Bill 3 does; that's what this amendment does, and I commend it to you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. And, thank you, Senator Bradley; I appreciate your enunciation and articulation. Wonderful; one of the reasons why we should never consider a consent calendar, because we need this kind of discussion; we need this kind of debate; it's very desirable. And, you did state some improvements we made to the system. And, I don't think there's anybody out there who doesn't believe that there does have to be some change, and I think both the employees and the employer believe that. But, let me tell you some of the most significant things that put us in the situation that we're in today.

For 15 years – for 15 years – the contributions by the employers were artificially low – 15 years, okay? 15 years. Employees continued to pay at their rate, whatever their rate was: 5 percent, 9.75 percent. So, for 15 years, we had a situation where the employees were here and the employers were here. Do we expect the pension to be completely corrected overnight? Absolutely not; can't happen. We've got a significant liability; we know about that. So, what changes did we make to try to address this? And, certainly, the development of the independent investment committee was a significant move, as Senator Bradley points out very articulately. Where's the money going to come from? Basically, the investment policy has to be the key. If the employer and the employee are giving – Senator White, you know that; that doesn't handle the

retirement benefit. It's got to be return on investment. So, we have an independent investment committee that's in place now that's going to shore up the fund; we have confidence that we're going to do that. So, we've done some good things. And, we did move \$250 million over; yes, I agree. And, I did vote for that. And, that, in essence, helped us move along this path. Of course, we're being sued for that, but it was the right thing to do. I'm not afraid of being sued if I think it's the right thing to do. And, that's why I believe strongly that some of the things here aren't the right thing to do; we need to spend more time and effort creating a situation where we're doing the right thing by getting all of the parties together. And, I know that Chief Mara did visit you, because he called me. I said, "You've got to talk to Senator Bradley! He'll listen!" And, I know that the Chief did speak with you; I encouraged him to do that, because I think open dialogue creates positive solutions. And, I think we need more open dialogue in this case. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: Senator Bradley, do you believe that this bill will decrease the unfunded liability in the system?

SENATOR BRADLEY: The analysis that's come back from the actuaries of the retirement system – let me see if I can find the numbers for you – will reduce the unfunded liability in the original version of the bill, and they have not actually run the amended version, although they have told us that it's relatively similar. We will ask for an actuarial update based on what we actually take today. \$4.7 billion unfunded liability right now; the pension liability will be reduced by about \$407 million, and the unfunded medical subsidy liability will be reduced by \$302 million. That's in a snapshot that is taken immediately. Obviously, the actuarial numbers change over time, but it's going to have a very stabilizing impact on the system. And, the other thing that I would add, too, maybe pre-guessing your next question, is that employer rates are going to continue to be extremely high, they just won't continue to spike to the level that I described previously. And, I would submit, just as you tried to achieve a bipartisan consensus to attack a problem that was fundamental to the State four years ago, the problem has just gotten worse, unfortunately, despite your good efforts. And, I would urge you not to undo the work that you did a couple of years ago by diverting money back into the special account. You opposed that several years ago by reinstituting the growth rate in the medical subsidy, which you opposed several years ago. And, most particularly, in not locking the door on the ability to divert money out of the pension system.

Senator D'Allesandro, who is as eloquent as there is, has talked about the employer holiday, so-called. But, just as big a problem is the \$900 million that was diverted out of the corpus, the body of the pension plan, to pay for these higher benefits that you tried to block, and did, several years ago, which, admittedly, the State is being sued about – wrongfully, in my view. Don't undo that today, Senator Larsen, by voting against this bill. Don't undo the good work that you started on several years ago.

SENATOR LARSEN: Would you believe that I believe we set ourselves on a path for funded liabilities and for a stable system, we made significant changes with significant contributions and concessions from both entities. I do not believe at this point we are aiming our goals towards that shared contribution. But, my further question was, then, you mentioned that this will avoid spikes. So, aren't we really doing this to reduce employer rates?

SENATOR BRADLEY: If you believe that for firefighters a rate of nearly 40 percent is appropriate for employers which, let's face it, they're taxpayers, and if you believe that the rate for police officers at 35 percent is appropriate, and if you believe that the rate for teachers, which will approach 16 percent when the rate of return issue is done, if you believe those rates are appropriate and sustainable, then I think you would vote no; you'd vote against the bill. But, several years ago, I think, when faced with a similar situation and an unfunded liability that was basically one half of what it is four short years later, you chose to say: "We've got to tackle this problem." That's what we're doing today. I would have wished, Senator, that you would have been somewhat more aggressive several years ago, and maybe have changed the age requirements for new workers. Had you done that four years ago – and, there was a lot of pressure to do it, but obviously more pressure not to do it – we might not be debating changing the age requirements. And, the fact of the matter is that the unfunded liability continues to grow to 2024. We have got to resolve that issue as best as possible. And, it's not going to be done overnight; this has got to be a shared effort that involves all parties of the system. And, let's not forget what we're about here. The main and most important policy that we're trying to do is to make sure that the retirement system is stable and viable for retirees today and in the future, and that the crushing burden that employers, ie: taxpayers are facing is not so extreme that we have to continue to cut services and people losing their jobs. That's what's happening.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Bradley.)

SENATOR LARSEN: Would you believe that I was not – follow-up question, only to clarify that I was not around here for the payment holiday. I may be here a long time, but I was not here for that, and I would have voted against it.

SENATOR BRADLEY: I would believe that.

(The Chair recognized Sen. Boutin for a question of Sen. Bradley.)

SENATOR BOUTIN: Senator Bradley, in parts of my District, and I'm sure everybody in their districts, are seeing people, good people – firefighters, policemen, teachers – losing jobs, because this cost is unsustainable. My question to you is this, Senator, and by the way, I think you correctly said that it's not the employer that's the issue as much as the taxpayers. So, my question is: If we do nothing, what are the trajectory of those rates? I know you went out a couple years – is 30 percent in two years going to be 40 percent or 45 percent two years out? What will happen if we don't fix the problem now?

SENATOR BRADLEY: Thank you for that question. Much of what happens depends on investment returns on Wall Street. So, if the pension recovers somewhat, that may put some downward pressure on rates. But, I think it's safe to say, and certainly all of the charts in this book point to extraordinarily high employer rates for a long time; in fact, the 30-year life of the actuarial funding cycle that has been established by the previous pieces of legislation. And, I would point out again to you as I did to Senator D'Allesandro, as you have Manchester in your District, 27 police officers not having jobs, vacant positions in Manchester, and 14 firefighters is a public safety concern. And, I'm not going to stand here and say retirement costs are the only thing; I think Senator Larsen pointed out that healthcare costs are also an important concern. But, at rates approaching 40 percent and 35 percent, which they could well be in the future, it's unsustainable; it's simply unsustainable.

SENATOR BOUTIN: Thank you, Senator.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: My esteemed colleague from Manchester has said a number of times that, you know, we need to have a system that recognizes and protects those who are currently in the system, both retirees and existing workers. Now, I want to address that here. First of all, the protection of employees who are currently retired. The average teacher retirement – according to the system – the average teacher retirement as of 2010 for all who are retired is \$21,000; the system is currently funded to pay \$12,000. I don't think that's a healthy system. The average police retiree currently is \$33,000; the system is funded to pay \$19,000. That's not healthy. The average fire retiree is \$34,000; it's currently funded for \$20,000. That's not healthy.

We need to fix this system to protect this system for the current retirees. We also need to fix this system to protect the positions of the active members. Projected for 2015, under current law, without the change in the projected rate of return – currently 8.5 percent projected, should be, I believe 7.75 or 7.5, based on historical record. But, without that change, the projected rate for teachers is 14 percent. That means for every seven teachers that pay into the retirement system, we're paying for a position. Now, considering that there's 19,000 teachers in our system, that's the equivalent of 2,600 positions that the retirement system is costing. That's going to have a severe impact on keeping positions filled of teachers.

For police, for every 3.5 workers, we're paying for another worker in the retirement system by 2015. Out of 4,200 police active in the retirement system, that's 1,235 that it's costing us – the equivalent of 1,235. For firemen, for every three firemen, we're paying for another one in retirement system costs. And, again, for 1,600 firemen, that's 550 positions.

So, for protection of the people currently in the system, we have to fix this; this is not an option. This is also good for our taxpayer constituents, because that's what it comes down to: the cities and towns, as has been pointed out, are paid for by our taxpayers. First of all, it's going to help keep the retirement system costs from spiraling out of control, and they are spiraling out of control. The rates we're talking about are obscene; they're way too high. They aren't affordable; they will result in less positions. Secondly, we're protecting the taxpayers by helping to keep municipal workers and teachers and policemen and firemen employed. They won't stay employed if these rates skyrocket as we're looking at; positions will be cut. So, we're helping taxpayers in both of those senses.

Now, another thing we've done in this amendment is we've changed the date, and we've moved it out six months. A number of us have heard input from active members that for those who are near retirement, it doesn't give them adequate time when the projected date of implementation was July 1. So, it's moved back to January 1; it gives them six months to think through this and make a wise decision for their retirement.

A final thing: You know, there are four legs to what caused the problem – four legs to the stool that caused the problem. One is investment returns, and they've been pretty poor over the last few years. The second one is lower than needed employer contributions, which, again, I want to point out that the employers paid exactly what they were told to. They paid exactly what they were told to by the system. So, that we had an incorrect method, I agree, but they paid what they were told to. Now, the third thing is the amount of money that was skimmed off the retirement

system: \$900 million. But, that isn't \$900 million; that money started coming off in the early '80s. The current value of that, and I tried to get a number from the retirement system, but it's somewhere between \$2.1 and \$2.5 billion; that would solve half of the unfunded liability problem; that's at least as big of a problem as the low employer rates, in my opinion. So, the fourth leg is the retirement board. Yes, there are changes to the retirement board; they're much needed changes. We have a retirement board whose sole fiduciary responsibility is to protect the system for employees; that's their job. They didn't do that. They didn't cry out when the employer rates were too low; they didn't cry out and say: "These are too low." They didn't vote against rates that were too low. So, we're making some changes to the board. The stakeholders in the board are employers as well as employees, because when the retirement system isn't healthy, the current system says employers pay the rate of what it takes to make it healthy. So, when we look at those things, it's a good thing to change the board; it's a good thing to give broad representation on the board. This is a good bill; it's fair to everybody, and it's especially fair, I believe, to people who are currently in the system and to people who are retired, because they're going to have a system there for their retirement. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. We've been talking about the employer rates. And, I have a chart here – many of you have seen this – and this shows the employer rates and the employee rates. And, when I was back in school learning math and area, if anybody remembers area, which is the area below a line, when you look – and, I'd be happy to furnish this to anybody who'd like to see it – the area below the line for Group II employees is so much larger than what the employers paid and what the employees paid in. That is the upward line, that is a picture of unsustainability. We see this all over the nation; we're hearing this in Washington, and that is a huge jump – a huge jump – for Group II employees. We have to fix this. These are the numbers from the New Hampshire retirement system. My wife is in the system; she's a teacher. She says to me: "Save this system." Because she can see it as an employee; it's going to go away if we don't fix this. And, we've got to deal with this.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I think the discussion clearly indicates that we need change; the question is, what is that change going to be? And, I think one thing has to be clarified here. These employees are taxpayers. You know, there seems to be some thought that they don't pay taxes. Well, they do pay property taxes. Most of these employees own homes, they're active members of the community, and they are participants. So, they're paying on both ends; they're paying their contribution and they're paying their local property taxes. Now, let's give credit where credit is due. They're not sponging off the system; they are participating. They're participating at both levels: They're paying their taxes and they're paying their contribution. I think that should be perfectly clear. Everyone here understands there's a problem. The question is, how do you solve the problem? We have different methodologies to do that. I hope at the end of the day we come to a meeting of the minds with the problem solved, and that everyone gets to move forward with regard to this: those that are retired, those that are thinking about retiring. And, the problems with the cities and towns, pension plays a

role, but boy, that role is far beyond pension. One of the things is, how do you get damn good qualified candidates to fill these jobs? Who wants to be a police officer today, you know? Who wants to be a police officer? Look at the number of police officers killed in the line of duty in the last six months. It's a very, very dangerous job. To get a good candidate, to train that good candidate, to get that good candidate to stay with you, you've got to have a good system, and that good pension system is a very attractive situation in terms of bringing those people to our city. And, we do have a lot of vacancies in our city; I agree – Senator Bradley points that out. I'd like to see those vacancies filled, because the public safety is really my concern. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I've been listening very carefully to what my colleagues have said about this, and nowhere in the last 45 minutes did I hear anything about somebody saying that our employees are sponging, and I am a little concerned about that and a little upset that that comment was made. I didn't hear that from either our Democratic folks sitting here or our Republican folks. Sponging was never brought up, and it was never brought forward – and I think that should deserve a recall of that comment; I don't think it was appropriate, and it's embarrassing to me to have that comment made here.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

PRESIDENT BRAGDON: If I recall, before the scrumptious lunch, we had finished work on Senate Bill 3. We have a number of bills left to go, a number that were Special-Ordered. Without objection, the bills that were Special-Ordered will stay Special-Ordered 'til the end of the Calendar to allow people time to continue working on amendments.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: I think we all should say "Thank You" to you for that great lunch that you as the Senate President put on and for that great birthday cake for our two great Senators that are now a year older. And, if you clap loud enough, he might do it again! So, let's hear it real loud.

PRESIDENT BRAGDON: Thank you. I will deflect all praise for that to our staff, who does a great job handling things like that and making you think that I did it.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. Ought to Pass with Amendment, Vote 7-0. Senator Forrester for the committee.

Senate Finance
March 23, 2011
2011-1177s
04/01

Amendment to SB 52-FN

Amend the bill by replacing section 1 with the following:

1 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

(b) A prisoner convicted of a nonviolent offense *who has not been previously convicted of a sexually violent offense as defined in RSA 135-E:2, XI, aggravated felonious sexual assault pursuant to RSA 632-A:2, felonious sexual assault pursuant to RSA 632-A:3, sexual assault pursuant to RSA 632-A:4, I(a)-(b), kidnapping pursuant to RSA 633:1, I, first degree assault pursuant to RSA 631:1, I, possession of child sexual abuse images pursuant to RSA 649-A:3, I, or distribution of child sexual abuse images pursuant to RSA 649-A:3-a, I* shall be released on parole upon serving 120 percent of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, *unless the parole board votes to deny such release.*

SENATOR FORRESTER: Thank you, Mister President. I move Senate Bill 52 Ought to Pass with Amendment. We as a body have worked together to create legislation that ensures public safety for our citizens here in New Hampshire. The bill restores the parole's discretion to deny parole to the most dangerous offenders. The only change the amendment makes is to expand the parole board's discretion to deny parole to inmates who have committed a larger number of offenses. The offenses are either sex crimes or the most violent of assault crimes, including homicides. Those offenses are now specifically enumerated in this bill.

The Department is not currently able to determine the precise fiscal impact of this bill, as it cannot predict how the parole board will choose to exercise its restored discretion. The Department states the marginal cost, cost of medical, dental, food, clothing, and inmate pay for an individual in the general prison population for the fiscal year ending June 30, 2010 was \$2,439. The Judicial Council states this bill may result in an indeterminable increase in general fund expenditures as the parole board provides greater discretion to recommit individuals to prison for violating parole and in court for any new charges.

Please support the committee motion of Ought to Pass with Amendment. Thank you, Mister President.

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the bill as amended. I visited the prison yesterday and spoke with the warden. I asked him about this and what kind of an effect it would have on his population. He thought that these changes were good and that they're workable.

Since we put in Senate Bill 500, we've had a better situation in both Concord and in Berlin as far as population is concerned, and the bill seems to be working. If this enhances the bill, this is a good thing. But, remember that our concern has always been the dynamic recidivism rate that takes place in New Hampshire. When you're recidivism is at 57 and

60 percent, something's wrong. So, this change will help, the changes we made last time will help, and I'm supportive of that because I think it's in the best interest of the public. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. Mister President, I think it was a very laudatory goal last year with Senate Bill 500, which was to try to find some efficiencies and cost savings in our prisons' corrections system, and I don't think any of us in this room would disagree with that. But, when we put the safety of our public at risk, which that bill did, by allowing people to be released early without the approval of the parole board, that is wrong. And, I have to say that I think most of you would agree with me – you had the same experience – there was no piece of legislation that I got more phone calls, more emails on my inbox, than on this one alone. So, I appreciate the Committee's work on this, and the amendment I support, and the bill as amended, and I urge all of the Senators to support this legislation. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I'm so happy to see that this group is going to vote on a better bill than what came through here, in my opinion – only my opinion – last time around. And, I'm glad to see the parole boards have some authority given back to them where it belongs in the first place. And, I'm going to appreciate everyone voting for this bill that cleans up the mess that I think was made earlier.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I would simply rise to point out that, in fact, Senate Bill 500 has accomplished much of what it set out to do. If you look at the populations in Berlin, in Concord, and at the Women's Prison, we now have reduced numbers of people behind those bars and more people under community supervision and able to monitor how they're performing in the community. So, while I recognize the importance of adjustments – that's always true in a major bill, and revisions – it is a bill which has caused reductions both in our populations and improved supervision. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

Senate Finance
March 23, 2011
2011-1181s
06/01

Amendment to SB 58-FN-A

Amend the bill by replacing all after section 3 with the following:

4 Taxation of Income; What Taxable. Amend RSA 77:4, V to read as follows:

V. For each holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI which is not a qualified investment capital company as defined in RSA 77-A:1, XXIV, which holder is subject to tax under RSA 77, the holder's proportional share of the *interest or dividend* income ***taxable under this chapter***, less any income attributable to United States government notes or bonds, [of] ***received by*** such qualified investment company shall be treated as a dividend ***taxable under this chapter to the holder***; however, notwithstanding any other provision of RSA 77, no actual distribution made to such holder by such qualified investment company shall be taxable under RSA 77.

5 Applicability. Sections 1-3 of this act shall apply to taxable periods ending on or after December 31, 2010. Section 4 of this act shall apply with respect to all taxable periods subject to assessment of the tax and appealed pursuant to RSA 21-J:28-b.

6 Effective Date. This act shall take effect upon its passage.

2011-1181s

AMENDED ANALYSIS

This bill adds qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. The bill also clarifies the a New Hampshire resident investor in a qualified investment company is only taxable on his or her proportionate share of interest and dividend income earned by the qualified investment company.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 58-FN-A Ought to Pass with Amendment. This bill addresses two tax issues. This bill clarifies that entities established, controlled, and managed by the New Hampshire Business Finance Authority for the sole purpose of participating in a federal tax credit program for economic development would not be subject to the business profits tax or the business enterprise tax. The bill accomplishes this objective by adding these special BFA qualified community development entities to the definition of "qualified investment company" under the business profits tax and business enterprise tax statutes.

The new markets tax credit is a federal program that is designed to help spur economic development in low-income areas. Under the program, the Business Finance Authority must establish the aforementioned entities in order to facilitate investment in local projects by third parties. The intent of this bill is to ensure that these entities will not be subject to the business profits tax, the business enterprise tax, or the interest and dividends tax. The ultimate recipient of the investment funds will continue to be subject to the taxes. Pretty interesting.

The bill as amended by the Finance Committee also addresses a second issue. It amends the interest and dividends tax statute to clarify that New Hampshire residents who are investors in qualified investment companies only pay interest and dividends tax on their share of the interest

and dividends earned by the qualified investment company. Recently, a question has arisen about whether such an investor might have to pay interest and dividends tax on capital gains earned by a qualified investment company. Such a result would be inconsistent with the purposes and policy of the interest and dividends tax, and this amendment would clarify that only interest and dividends are taxable under the interest and dividends tax.

Please support the Finance Committee's motion of Ought to Pass with Amendment. And, after you've approved the amendment, I will bring forward a floor amendment to address one last problem. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

March 29, 2011

2011-1276s

09/10

Floor Amendment to SB 58-FN-A

Amend the bill by replacing section 4 with the following:

4 Taxation of Income; What Taxable. Amend RSA 77:4, V to read as follows:

V. For each holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI [~~which is not a qualified investment capital company as defined in RSA 77-A:1, XXIV~~], which holder is subject to tax under RSA 77, the holder's proportional share of the *interest or dividend* income *taxable under this chapter*, less any income attributable to United States government notes or bonds, [of] *received by such qualified investment company shall be treated as a dividend taxable under this chapter to the holder*; however, notwithstanding any other provision of RSA 77, no actual distribution made to such holder by such qualified investment company shall be taxable under RSA 77.

SENATOR ODELL: Thank you, Mister President. 1276 addresses, in a sense, a typographical error. We were trying to amend in the committee amendment a statute that does not exist; we now have identified the elusive statute, and this bill will amend that statute correctly. Thank you, Mister President.

PRESIDENT BRAGDON: While it's being distributed, I will note that Senator D'Allesandro had expressed concern that the retirement bill might have ended up on the Consent Calendar. And, I will point out to the body that the vote was 3-2 in committee, thus it would not qualify for the Consent Calendar.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. Ought to Pass, Vote 7-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move Senate Bill 76 Ought to Pass. The bill requires the adoption of tax forms pursuant to RSA 541-A, and the Department to adopt a form for the summary filing of business profits and business enterprise taxes by a business or-

ganization to be in compliance. Senate Bill 76 repeals legislation which was passed in 2010 and provided a \$5,000 fine for not complying with new form requirements, which caused a burden on financial tax filing requirements for New Hampshire taxpayers.

By passing this legislation, it will require the Department of Revenue Administration stand before JLCAR to seek legislative approval for its actions. Any proposed administrative rule which would increase any fee, authorize the assessment of fines, or impose any penalty on taxpayers shall require legislative approval prior to adoption. There will be no fiscal impact on county and local expenditures or revenue.

Please support the Committee's motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Finance
March 24, 2011
2011-1210s
06/01

Amendment to SB 154-FN

Amend RSA 483-B:9, V(g)(2) as inserted by section 19 of the bill by replacing it with the following:

(2) If the impervious surface area will exceed 20 percent, ***but is less than 30 percent***, a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17.

SENATOR ODELL: Thank you, Mister President. I move Senate Bill 154-FN Ought to Pass with Amendment. Senate Bill 154 creates a clear, complete approach to reforming the Act, meets the goals of protecting water quality, the shoreline environment, and maintaining traditional property rights. The bill enhances the Act while not weakening provisions that have helped make New Hampshire's water quality what it is today.

The amendment inserts language in section 19 of the bill, providing a very clear clarification that does not alter any other provisions. The Department of Environmental Services states the bill as amended will have no measurable fiscal impact on revenue and expenditures, as application fees would continue at current levels, and there would be no new permitting processes or exemptions that would affect the number of applications filed. The Department notes there is a provision to refund application fees for projects denied under certain specific circumstances. The Department indicates it has historically denied fewer than 2 percent of all applications received, and only a small percentage of those denials would qualify for a refund. Therefore, the Department states that if there is any fiscal impact, it would be negligible.

Please support the Committee's motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley asserts Rule 2-15 on SB 154-FN.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on SB 154-FN.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

Senate Finance

March 24, 2011

2011-1220s

03/05

Amendment to SB 156-FN-LOCAL

Amend RSA 259:29-b as inserted by section 3 of the bill by replacing it with the following:

259:29-b EVR Integrator. "EVR integrator" shall mean an electronic vehicle registration integrator who provides necessary hardware, software, software updates, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money.

Amend RSA 261:74-h as inserted by section 5 of the bill by replacing it with the following:

261:74-h Appointment of Dealer Agents. Notwithstanding the provisions of RSA 261:148, subject to the direction and approval of the commissioner, the director may appoint retail vehicle dealers meeting the requirements of RSA 261:103-a as agents to process electronically through EVR integrators motor vehicle registrations, permits for registration, or registration transfers and title applications in conjunction with the sale of a new or used vehicle by said dealer. The director shall consult with the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association prior to approving the appointment of any dealer agent. Any permits issued by a dealer agent shall indicate that it was processed by a dealer agent. No dealer shall be permitted to act as a dealer agent unless the department of safety has implemented an agreement with an EVR integrator.

Amend RSA 261:74-n, II as inserted by section 5 of the bill by replacing it with the following:

II. When a dealer agent processes motor vehicle registrations, permits for registration, transfers of registration, and title applications the applicable town or city or clerk shall receive the following fees through the dealer agent and the EVR integrator: the registration permit fee under RSA 261:153, I, the town clerk fee under RSA 261:152, the town clerk and dealer title application fees under RSA 261:4, IV, the municipal agent fee under RSA 261:74-d, and, when applicable, the waste reclamation fee under RSA 261:153, V, the municipal transportation improvement fee under RSA 261:153, VI, the collection of permit fees in unorganized places under RSA 261:160, and the public parking facilities fee under RSA 261:154. The town or city may use the fees received under this paragraph to offset the expenses of examination and auditing of the EVR program, if required. Towns, cities, and the state shall inform the EVR integrator annually as to the details of the fees listed in this paragraph and provide timely notice to the EVR integrator of any changes to fees.

Amend RSA 261:74-s, I as inserted by section 5 of the bill by replacing it with the following:

I. Upon approval of the attorney general and governor and council, the department may enter into an agreement with an electronic vehicle registration integrator to provide, at no cost to the state, any necessary hardware, software, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money. The electronic vehicle registration integrator shall be authorized in the agreement to collect and transfer funds electronically from the dealers to the department, towns, cities, or town clerks, where appropriate. RSA 261:141-b and RSA 80:52-c shall not apply to electronic transfers to or from an electronic vehicle registration integrator or a dealer agent. Electronic vehicle registration integrators shall transmit funds within one business day of the completion of the registration to the appropriate entity if the entity accepts electronic transfers of funds and within 20 days to any other entity. The transmittal of funds by an EVR integrator to a town or city or the state pursuant to this section shall not be considered a delegation of a town's, city's, or state's deposit function as set forth in RSA 41:29.

Amend RSA 261:74-s as inserted by section 5 of the bill by inserting after paragraph V the following new paragraph:

VI. The EVR integrator shall be responsible for all reasonable costs, as determined by the commissioner in consultation with the EVR integrator, of the state and towns for:

(a) The development, implementation, and integration of, and ongoing maintenance required to effectively operate, the EVR program; and

(b) Software modifications necessary to integrate EVR program monies and data into software used by towns to transmit registration data to the state.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 156 Ought to Pass with Amendment. Senate Bill 156 creates an electronic vehicle registration program to give New Hampshire residents and businesses the option to register their just-purchased vehicle at New Hampshire dealerships. The towns will receive all the fees they currently receive now, including the registration fee, town clerk fee, municipal agent fee, and any other fees.

Significant amendments were made to this bill in the Commerce Committee to satisfy town clerks' concerns that money and data are properly collected and remitted and that clerks have input into all levels of the EVR program.

The Finance Committee amendment addressed the town clerks' fiscal concerns and spelled out more clearly how town finances will improve by providing further clarification that each town will receive the \$2 dealer portion of the title fee, which doubles the towns' title fee proceeds. A town that registers 5,000 just-purchased cars through the EVR system will receive \$10,000 more in income. This can be used to offset auditing expenses, if any. And, the EVR vendor will be responsible for all reasonable costs to the towns or the State for the development, implementation, and ongoing maintenance required in order to effectively operate the EVR program, and any software modifications necessary to integrate the money and data into the software used by the towns to transmit data to the State.

The Finance Committee asks for your support on Senate Bill 156 as amended. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Forrester is in opposition to the motion of Ought to Pass as Amended on SB 156-FN-L.

SB 160-FN, relative to the definition and regulation of installment loans. Ought to Pass, Vote 4-3. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 160 Ought to Pass. This legislation defines and regulates installment loans and allows for a unique installment loan model that offers extended repayment terms and enables a customer to make a series of relatively equal payments over the course of a loan term rather than one full payment.

The legislation includes a number of strong consumer safeguards. This will promote an environment of responsible lending to responsible borrowers. Not only will Senate Bill 160 allow short-term lending companies to assist families during unexpected and period financial difficulty, it will promote economic growth within our state.

Please join the Finance Committee in voting for Senate Bill 160 Ought to Pass.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I rise in opposition – shocking – to Senate Bill 160, hoping that the third time is the charm. You'll all recall, I trust, the reasons for my opposition to this type of loan, including – and, I promise I'll be brief – prudence of having an interest rate cap in statute so that we don't invite triple-digit interest rate products, what is good for the United States military personnel being good for New Hampshire residents, we should want to prevent borrowers from getting caught in a debt trap they can't get out of. I would note, in our conversations earlier today surrounding Senate Bill 3, there was a lot of discussion about the concern for taxpayers. Welfare administrators are on record that the types of financial hardship that people end up with end up in town office looking for help with the situation made much worse because of payday/installment or car title loans. Taxpayers subsidize this industry's victims.

Now, none of these arguments have seemed to work, so I'm just going to throw one more thing and see what sticks. We represent voters, of course. In a recent poll, 64 percent of those polled by NTS research in D.C. want to keep existing law, which caps interest rates at 36 percent APR per year. Please don't vote for these particular businesses; please vote for New Hampshire residents. Thank you, Mister President.

(The Chair recognized Sen. Prescott for a question of Sen. Houde.)

SENATOR PRESCOTT: In the bill, it reads \$15 per \$100 charged per week. Is that how we would calculate the interest rate by the end of a certain term of a loan?

SENATOR HOUDE: Thank you for the question, Senator Prescott. When I use the numbers that I use, which are the triple-digit interest rates, I use an APR. So, that's extrapolated out from what the rate per 100 is to what a rate on an APR basis would be.

(The Chair recognized Sen. Prescott for a follow-up question of Sen. Houde.)

SENATOR PRESCOTT: Could you repeat that APR? What's the value?

SENATOR HOUDE: Yes, absolutely. I believe – if you give me one second – I have an interest rate of 403 percent annually, assuming the loan is renewed for the maximum period of time for 14-day periods – and I'm just looking for an amount – \$15, 50 per 100. 403, to answer your question, Senator.

SENATOR PRESCOTT: 403 percent. Thank you very much, Senator. I appreciate it.

SENATOR HOUDE: Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Forrester, Bradley, Forsythe, Sanborn, White, Lambert, Carson, Boutin, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Gallus, Houde, Groen, Odell, Kelly, Luther, Larsen, Barnes, D'Allesandro, Merrill, Prescott.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

SB 165-FN, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax. Ought to Pass with Amendment, Vote 6-0. Senator Morse for the committee.

Senate Finance

March 23, 2011

2011-1179s

01/09

Amendment to SB 165-FN

Amend the bill by replacing sections 2-5 with the following:

2 Uncompensated Care Fund; Definitions. Amend RSA 167:63, IV to read as follows:

IV. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 [~~and receiving medicaid diagnosis related group (DRG) payments~~], but not including government facilities *and hospitals excluded from taxation under RSA 84-A pursuant to federal approval of a waiver of the broad-based requirement as described in 42 C.F.R. section 433.68.*

3 Uncompensated Care Fund; Rehabilitation Hospitals Deleted. Amend RSA 167:64, I(d) to read as follows:

(d) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid fee for service rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall be [first] allocated to ensure that critical access hospitals [~~and rehabilitation hospitals~~] receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit for disproportionate share payments as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). Non-critical access hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the funds made available under this section permit. The commissioner may create additional categories of need and make further reasonable distinctions among hospitals when determining the

methodology for payments under this section, as necessary, to ensure that no hospital is unduly burdened by the fiscal effect of uncompensated care costs.

4 Uncompensated Care Fund; Duties of Commissioner. Amend RSA 167:65, II to read as follows:

II. Seek input from ~~[the chairman of]~~ the senate health and human services committee, ~~[the chairman of]~~ the house health, human services and elderly affairs committee, ~~[the chairmen of]~~ the house and senate finance committees, ~~[the insurance department,]~~ and ~~[representatives of]~~ *the* hospitals currently participating in the uncompensated care program ~~[in developing]~~ *during the development of* the uncompensated care payment system required under paragraph I, and present a report ~~[detailing all the options and making recommendations]~~ *describing the planned payment methodology* to the oversight committee on health and human services, established under RSA 126-A:13~~[-not later than January 1, 2010]~~ *prior to payments being made.*

II-a. Submit a waiver calculation pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of waiving RSA 84-A, Medicaid enhancement tax liability for Hampstead hospital, Healthsouth Rehabilitation hospital, Northeast Rehabilitation hospital, and New Hampshire hospital, no later than September 30, 2011.

5 Medicaid Enhancement Tax. Amend RSA 84-A:1, III to read as follows:

III. "Hospital" means general hospitals and special hospitals for rehabilitation *that provide inpatient and outpatient hospital classes of health care services consistent with the requirements of 42 C.F.R. section 433.56 and the Medicaid state plan definitions of inpatient hospital and outpatient hospital services*, required to be licensed under RSA 151 ~~[and receiving medicaid diagnosis related group (DRG) payments]~~, but not including government facilities *and hospitals excluded from taxation under this chapter pursuant to federal approval of a waiver of the broad-based requirement as described in 42 C.F.R. section 433.68.*

2011-1179s

AMENDED ANALYSIS

This bill allows exclusion of rehabilitation hospitals by federal waiver from the uncompensated care fund and clarifies the application of the Medicaid enhancement tax.

SENATOR MORSE: Thank you, Mister President. I move Senate Bill 165 Ought to Pass with Amendment. We have strived to make the New Hampshire DISH Program responsive to both federal regulations as well as trying to address the impact on uncompensated care on the hospital network.

This bill as amended allows exclusion of certain rehabilitation hospitals by federal waiver from the uncompensated care fund and clarifies the application of the Medicaid enhancement tax. With the combined effort from the New Hampshire Hospital Association, Department of Health and Human Services and the Department of Revenue, this bill provides clarity for all parties involved and is consistent with federal law.

Please support the Committee's motion of Ought to Pass with Amendment, Mister President. And, after you support that motion, I'm going to offer a tabling motion, which I hope Senator Larsen will ask me about.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Larsen for a question of Sen. Morse.)

SENATOR LARSEN: Senator Morse, if we believe that it's important that this bill be part of the budget in the Senate, would we vote Ought to Pass as Amended and then table it so the House gets a clear message on this?

SENATOR MORSE: That's a quite honorable statement; I agree with your statement, and I hope that's what we get to.

SENATOR LARSEN: Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted.

Sen. Morse moved to Table SB 165-FN.

The question is on the motion to Table. Adopted.

INTERNAL AFFAIRS

CACR 14, relating to funding public education. Providing that the general court shall define reasonable standards for elementary and secondary public education, establish reasonable standards of accountability, and mitigate local disparities in educational opportunity and fiscal capacity. Ought to Pass with Amendment, Vote 3-1. Senator Bradley for the committee.

Internal Affairs

March 22, 2011

2011-1142s

04/05

Amendment to CACR 14

Amend the title of the resolution by replacing it with the following:

RELATING TO: public education.

PROVIDING THAT: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority, responsibility, and discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2012.

III. That the selectmen of all towns, cities, wards, and places in the state are directed to insert in their warrants for the said 2012 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2011 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority, responsibility, and discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2011 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

2011-1142s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

SENATOR BRADLEY: Thank you, Mister President. I move CACR 14 Ought to Pass (sic). This constitutional amendment provides that the General Court shall define reasonable standards for elementary and secondary public education, establish reasonable standards of accountability, and mitigate local disparities in educational opportunity and fiscal capacity.

The Committee asks your support for the motion of Ought to Pass (sic).

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I rise to express the concern of my constituents over CACR 14, the constitutional amendment dealing with education and education funding.

The city council and Mayor of Laconia, which comprises 25 percent of my District, has expressed opposition to any amendment that does not guarantee them a specific level of funding. While I recognize that the education funding bill passed in the Senate and offered by my good friends Senator Stiles and Senator Rausch would provide a stable, predictable level of funding, I think it's important to express the concerns of my constituents on this issue.

Other constituents fear that the first part of this amendment strengthens the centralization of the control of education in this state, something

that has been shown to decrease the quality of education since it is less responsive the further the control is away from the parents and the school boards. Although an argument could be made that the Legislature already has the authority, responsibility, and discretion to define standards and accountability, since we are not a Home Rule state and the municipalities are creations of the State, codifying this in the Constitution may push further legislators to use this authority more than they already have. Additionally, Part One, Article Six grants the municipalities the right to elect and contract with their teachers, showing a strong deference to local control as already existing in our Constitution.

Given the uncertainties we have continuously faced due to the involvement of the courts, support of this amendment is likely to be strong today. I would, however, urge my fellow colleagues in the Senate, no matter how they vote today, to emphasize the discretion this amendment would grant rather than the authority, and continue to push for more local control of education as we have done this session. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I think some of us are basically becoming historians around here, having seen many, many constitutional amendments come by. But, I thought because we need to keep in mind history for fear that we repeat it, I would give you a little history.

In Claremont 1, in 1993, the court ruled that the State had an obligation to provide students with an adequate education. Prior to Claremont 1, the Legislature was free to underfund educational services and did so on a regular basis, refusing to even fully fund the formulas it passed into law to pay for education, or that they agreed with the court they would. The result was that local school districts were left to pay for 90 percent of educational expenses with local property taxes. Thus, you hear why citizens in Laconia and across the state are worried about a constitutional amendment of this sort. Because of varying property rates from community to community, local tax rates to pay for education differ dramatically, with some communities having tax rates that were 400 times the rates of others. The New Hampshire Supreme Court simply said it was not fair, and the State is responsible for paying for an adequate education in a fair and constitutional way.

The Claremont decisions established that an adequate education is a fundamental right in New Hampshire, meaning that it's one of the most important rights we have. Other fundamental rights include free speech, freedom of religion, and the right to vote – that issue's coming up next. Laws that affect fundamental rights receive the highest level of judicial scrutiny, and that's called strict scrutiny – I'm not a lawyer, but I'm learning. In order to protect individuals from government's efforts to infringe on these rights, the New Hampshire Supreme Court has applied the strict scrutiny standard to legislative acts to protect fundamental rights in the past. Two examples are free speech and property ownership. A constitutional amendment would take away or reduce the judicial scrutiny which would give the Legislature more room to infringe on our students' rights to an adequate education. Doing this would treat the fundamental right to an adequate education differently than all fundamental rights. Would we agree to give the State more discretion to infringe on our rights to free speech? Then why are we giving the State more discretion to infringe on the fundamental right to an adequate education, which is just as important as our right to free speech?

While some may put spins on the meaning of constitutional amendments, at their core, they're about one thing: they want to give the authority – and this amendment would do that – to do whatever we want in education without being accountable to the children and taxpayers of New Hampshire, providing less aid and resources to local school districts. If the amendment passes, communities like Concord, Manchester, and Nashua, and numerous property-poor communities throughout New Hampshire, can expect to see less state funding in future years. The amendment completely takes away any constitutional right to an adequate education in New Hampshire, and under the amendment, the Legislature is given the sole discretion to do whatever it wants with no recourse for anyone who might be harmed by those legislative decisions. The Legislature could decide to fund only 8 percent of education services, which is what they did before the Claremont decisions, and no one could do anything about it. The Legislature could force every community in the state to pay \$10,000 per pupil from local property taxes for educational services, and no one could do anything about it. This amendment takes away the ability to enforce the right to an adequate education in court and for the court to require the Legislature to abide by its constitutional obligations. No other state in the nation has given its Legislature such protection, and given the Legislature's history of chronic underfunding of education and shifting educational expenses onto local taxpayers, we cannot trust Legislatures to follow through with such an absolute power and not to protect those fundamental rights.

As you've seen in the most recent funding formulas, we have in fact found ways to target funding to those most in need. But, we've met our constitutional requirements through those funding formulas. So, I believe this constitutional amendment is not necessary; you have seen through demonstration that there is a funding formula that has been deemed constitutional and that is targeting aid to those most in need with a measure of fiscal capacity. And so, I urge you to think carefully, if you are going to vote for taking this fundamental right away from the taxpayers of this state to bring their issues to court. Thank you.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. CACR 14 recognizes that the Legislature has a responsibility to ensure accountability across school districts and to guarantee that local inadequacies do not preclude a child from the opportunity to obtain an adequate education. CACR 14 properly places the responsibility to the legislative body to determine the funds necessary and the methods to carry out that responsibility through raising of funds.

This is the best opportunity to date that we have had to enact a much-needed amendment to allow the people to voice to our commitment to education and the fiscal responsibility to first support those communities that have the financial difficulty to provide that education opportunity. And, I urge you to pass this CACR so that our people can vote, once and for all.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. It is indeed interesting that we would be back here again, almost Old Home Day. I remember well – I'm sure along with Senator Larsen, Senator Barnes, Senator D'Allesandro, and myself, I believe, were all on the first committee of conference that dealt with House Bill 117 in 1998, which was the State's first attempt to comply with the Claremont Decision, Claremont 1, that we had to fund an adequate education.

Claremont 2 superseded Claremont 1, and made another fundamental change in New Hampshire constitutional law, that a tax that funds education could not vary from town to town, that it had to be uniform in nature. And so, here we are, 14 years later, still struggling with how to get our arms around how we fund education; it has become, on a statewide basis, the second largest cost item that our Legislature and our state have to deal with after Medicaid.

When we look at the formula that we have today, and despite the great work of Senator Rausch and Senator Stiles and, quite frankly, all of us, who voted on a bipartisan basis to reform that formula, the Claremont decisions have produced, up until now, a formula that, if you look at it, is almost irrational in nature: 125 towns will lose funding this year, and when you look at who some of those towns are that lose money, they are among the most needy towns in the State of New Hampshire, and some of the towns that will receive windfalls are among the towns that are best able to deal with less state funding. And, because of the nature of the formulas that the uniform tax rate, the Claremont 2, has produced, we have before us, what I believe, is the best opportunity to finally place before the voters a constitutional amendment. It does several things. It recognizes that the State has a responsibility, a responsibility, as well as an authority, to first: define reasonable standards for education, and then define and have the responsibility to produce a reasonable level of accountability to ensure that those standards are met. And, under this constitutional amendment, it gives the Legislature the authority as well as the responsibility to mitigate local disparities and the differing fiscal capacities of our communities.

But, as with any constitutional issue, and we talked about one prior to this in terms of free speech in a Commerce Committee bill, there are always tensions when we propose a constitutional amendment. And so, this amendment correctly recognizes, through the use of the word discretion, that there is a critical aspect here of local control – something I suspect that all 24 of us talk about night and day – local control to ensure that school boards and local taxpayers have the authority that they need to continue with the traditions that we have established in New Hampshire over many years. And, use of the word “discretion” ensures that local control.

And, lastly, the amendment recognizes that the Legislature has the discretion to determine the amount and the method of raising and distributing state dollars for education. This is fundamental to what we are about as a state. We all know – we’ve discussed it much this term, we’ve discussed it in prior terms – that our economy is struggling; our friends and neighbors are struggling; taxpayers are struggling. And yet, despite the struggles that we’ve had in New Hampshire, our state is better off than many states around us because of the New Hampshire advantage; that advantage of no income tax and no sales tax. And so, at its core, this constitutional amendment will give us that opportunity to fight, to preserve that New Hampshire advantage.

But, there’s something that goes beyond any of this discussion today. For 14 years, there have been 425 individuals: Governors, 400 of our friends and colleagues, and 24 of us that have had the opportunity to, in essence, substitute our wisdom for the wisdom of the voters. And, when my good friend from Concord says, “No one will be able to do anything about this constitutional amendment,” I would say, “Wait a minute; the voters have a choice in who they send here.” Let’s finally give, after 14

years, the voters a chance to weigh in on what kind of state we want New Hampshire to be. Let the voters make that choice about the New Hampshire advantage, or perhaps some other way of proceeding in the future. We have never consulted the voters. It's high time we do so; this is our opportunity to make it happen. Let us not falter. Thank you.

(The Chair recognized Sen. Barnes for a question of Sen. Bradley.)

SENATOR BARNES: Thank you, Senator Bradley. I think I just heard a couple of minutes ago from Senator Larsen about targeted aid, that it didn't happen. And, I understand that this amendment will allow us to target aid to the needy towns. I have two towns in my District that are two of the five plaintiff towns, and they always seem to be getting the short end of the stick. And, I have been campaigning for years to target the money to the needy towns. Now, who is right? Are you right saying that we're going to be able to target aid, or is Senator Larsen right in saying that's not the way it's going to be?

SENATOR BRADLEY: Well, I guess anybody can look at the formula, Senator Barnes, and, with different inputs into the formula, make it work in different ways. But, we have a law today. And, that law, in the case of the towns that you represent, two of the plaintiff towns, my understanding, if the formula continues in its effect, they will lose money – they will lose money. And, I don't know how many of us can say that that's a rational outcome. And, a constitutional amendment that gives the Legislature the authority to make those common sense decisions that a uniform tax rate, a court-ordered uniform tax rate, which has led us to that type of irrationality, it's high time that we change it. And, change it by doing the broadest possible participation: letting the men and women who make up this great state, in November of 2012, to finally, after 14 years, allow their voice to be heard.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Bradley.)

SENATOR BARNES: Would you believe there are two main reasons that I'm voting for this? To take care of towns like the two that I have so we can target the money where it needs to go, and that the citizens of this state can stand up and have an opportunity to have a voice in it.

SENATOR BRADLEY: You encapsulated that in fewer words than I possibly ever could.

(The Chair recognized Sen. Houde for a question of Sen. Bradley.)

SENATOR HOUDE: Thank you very much, Mister President. Thank you, Senator Bradley, for taking the question. I think Senator Larsen covered a lot of the kind of legal pieces that I would have raised. But, one of the things that has my attention is the full discretion in the last part of this, to the Legislature, to determine the amount of money spent. And, would you agree that there really isn't any restriction, then, if this constitutional amendment passes, on a funding formula that looked at our state based exclusively on population? And, we're talking about polling the voters. And, so you could have a much more populous southern part of the state that could vote for – the representatives vote for a fuller funding formula for down south that decreases as we go north, so that Berlin – and, I don't see Senator Gallus – but another community could... No one's there to review that decision. Would you believe?

SENATOR BRADLEY: My good friend, Senator Houde, from the other side of the Lakes Region – I guess we're fellow mid-country, maybe even North Country brothers – I doubt that voters will send to Concord people

that would look at funding in exactly that kind of geographic area. I don't believe that would be the case of the people that would come here to make the kind of common sense decisions that would have to be made to make sure that we ensure that scarce resources in New Hampshire are most dedicated to the communities that need them the most. And, I think that despite perhaps the history that Senator Larsen talked about in the Augenblick Formula, over the past several years, we have done our best to meet that need, but done so within the strict box that the Claremont 2 ruling has created for us of a uniform rate that means, in essence, we can't target to the communities that need it the most, which is why Senator Barnes' towns, in any rational system, I don't think you and I could agree that they should be getting less money under the current formula.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Bradley.)

SENATOR HOUDE: And, I have faith that the Representatives would make reasonable decisions, rational decisions. But, again, should they not, there's no other review process for that type of decision under this amendment, which, I would argue, is different than the amendment that you referenced earlier when I think I was in the House, when you were debating it in the Senate. Yeah... I think there's a question in there.

SENATOR BRADLEY: I would believe that you would believe that, but I would, for the reasons I've already articulated, argue that that is not something that I anticipate happening, and I do, at the end of the day, always trust in the wisdom of the voters. Well, except the voters that sent me there.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Bradley.)

SENATOR HOUDE: So, assuming we agree on the wisdom of the voters, in most cases, would you agree that the court wouldn't have a role, should the Legislature err when making funding decisions?

SENATOR BRADLEY: Actually, I would tend to disagree with you, given the word "responsibility" in the earlier part of the amendment.

SENATOR HOUDE: Okay. Thank you for taking the question. We'll disagree on that one, I think.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I do rise against this amendment, CACR 14. And, I think, you know, we've been having these discussions since as long as I've been in the Senate. And, as you yawn, and we all... The discussions continue to be the same and we continue to go, it seems like, in a circle – and around and around – with these same issues.

So, my question about this amendment is really, what is the purpose of the amendment? What is really the need for this amendment? When I look at the language and I say that the General Court has responsibility for defining an education, for the standards, we just did that. I've been here – this is my fifth year – this is what I've spent a lot of time with. We did that. When we talk about targeting and looking at how do we make sure that the schools who need funding receive the funding? We just did that. We have targeting aid in our current law, and we spent a lot of time making sure that we did that. When you talk about the people have a voice about funding in education, in my district, what I hear is: "Thank you for solving, finally, the education funding problem." It has been 14 years, and the people have been sending people to Concord to solve the education funding problem. And, we did. We have law today

that is predictable. Schools know what the formula is; the formula stays the same in the law. If there are different numbers of students at schools, then the money changes. But, that's in the law as a formula, and people know that. And, the school districts know that. So, there's predictability. My one concern with the amendment also, in the confusion, and it sounds like the conversation between Senators is, "What is the role of the courts?" If this amendment eliminates the courts or even limits the court, we have upset our balance of power here in the state. And lastly, the premise that we built our current law on was equal opportunity for a quality education for all of our students, and we spent a lot of time doing that, and that's in law today; we have solved the education funding problem, and we need to move forward. People have brought us here to vote on this and to represent them; taking it back to the people is letting the people know we can't solve it; we're asking you to do that. And, I don't think that's what we want to do. So, I would ask my colleagues to vote against this amendment. Thank you.

(The Chair recognized Sen. Barnes for a question of Sen. Kelly.)

SENATOR BARNES: Senator Kelly, if you lived in Allenstown, where a principal has to run back and forth between two schools and is one of the plaintiff towns, do you think that you just made the statement that the problem has been solved – how can it be solved for the Town of Allenstown and Pittsfield, to have the situation set up the way it is, where they get the short end of the stick, and here's this guy running back and forth to two schools. That isn't right, when you see money going out to some of these other towns that don't need it. That, to me, is what's wrong with the system. I didn't – perhaps, I probably didn't vote for this correction that you so valiantly say we took care of; I don't think it was taken care of, and that's why this amendment's going to take care of it. Would you believe that?

SENATOR KELLY: Thank you, Senator Barnes.

SENATOR BARNES: Thank you.

SENATOR KELLY: What I do believe is that we have a formula that is fair, that provides an equal opportunity. What I also believe is that we have not supported enough funding, truly, that we need for our schools so that all the children have an equal opportunity, and we need to continue to look at the efficiencies in our schools and look at the outcomes and what we're producing, and we need to make sure that we are committed to funding all of the children in our schools.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Kelly.)

SENATOR BARNES: Would you believe that if you lived in Pittsfield or Allenstown, I think you'd be saying a different story from over there. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I would just seek to respond to Senator Bradley's speech on the New Hampshire advantage. I truly believe that one of the New Hampshire advantages and one which we are sent here to protect are the fundamental rights of free speech, freedom of religion, the right to vote, and the right to an equal and fair educational opportunity in our state. So, I believe that in fact by saying that the General Court is now taking full discretion to determine the amount and methods of raising and distributing state funding for education, we are removing the fundamental right; I think we lose our

New Hampshire advantage. I think, and I trust, that this will go to the voters, and the voters will speak to that as well. I believe they will stand up for that fundamental right of an equal educational opportunity for all the children of our state. Thank you.

(The Chair recognized Sen. Stiles for a question of Sen. Larsen.)

SENATOR STILES: If you believe that the people will do that, why wouldn't you move to allow them to do it?

SENATOR LARSEN: I believe we were elected to protect fundamental rights, and that has already been determined to be a fundamental right, and I will continue to support it as a fundamental right. I believe it enhances our economy and the opportunities for the people of our state to become self-supporting taxpayers and educated individuals in this economy.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Barnes for a parliamentary inquiry.)

SENATOR BARNES: In order to get this great CACR passed, how many votes do we need?

PRESIDENT BRAGDON: It requires a 3/5 vote, which would be 15.

SENATOR BARNES: Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Barnes, seconded by Sen. Forsythe.

The following Senators voted Yes: Gallus, Forrester, Bradley, Groen, Sanborn, Odell, White, Luther, Lambert, Boutin, Barnes, De Blois, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forsythe, Houde, Kelly, Carson, Larsen, Rausch, D'Allesandro, Merrill.

Yeas: 16 - Nays: 8

Adopted by necessary 3/5 vote, bill ordered to Third Reading.

SB 196, relative to the enrollment of laws. Re-refer to committee, Vote 3-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. Given where this bill is going to go, I think I have the shortest remarks today. I move that Senate Bill 196 be re-referred to committee. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I move that we overturn the motion of re-refer to committee so that a floor amendment can be introduced on a motion of Ought to Pass.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. Forsythe moved Ought to Pass.

Sen. Forsythe moved that the Rules of the Senate be suspended to allow for the introduction of a non-germane amendment to SB 196.

The question is on the adoption of the motion to suspend the Rules to allow for the introduction of a non-germane amendment to SB 196.

Adopted by necessary 2/3 vote.

Sen. Forsythe offered a floor amendment.

Sen. Forsythe, Dist. 4
March 24, 2011
2011-1223s
04/10

Floor Amendment to SB 196

Amend the title of the bill by replacing it with the following:

AN ACT relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

Amend the bill by replacing all after the enacting clause with the following:

1 Failure to be Renominated or Reelected. Amend RSA 189:14-a to read as follows:

189:14-a Failure to be Renominated or Reelected.

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) Any such teacher who has taught for [3] **5** consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional standards certificate from the state board of education and who has taught for [3] **5** consecutive years or more in any school district in the state shall, after having taught for [2] **3** consecutive years in any other school district in the state, be entitled to all of the rights for notification and hearing *set forth* in [paragraphs I(b), III, and IV of] this section.

III. In cases of nonrenomination because of unsatisfactory performance, ~~[the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination]~~ **a teacher's performance shall not be based solely on state or national assessment scores received by pupils in such teacher's class.**

~~[IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence.]~~

2 Applicability. Section 1 of this act shall not apply to any teacher who has taught for 3 or 4 consecutive years in any school district in the state as of the effective date of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

2011-1223s

AMENDED ANALYSIS

This bill amends the length of time required for a teacher to be entitled to the rights of notification and hearing for failure to be renominated or reelected. The bill also prohibits a teacher's performance from being considered unsatisfactory based solely on state or national assessment scores received by pupils in such teacher's classes.

SENATOR FORSYTHE: Thank you, Mister President. This amendment makes much-needed reforms on the laws for teacher tenure. The majority of our existing tenure and nonrenewal statutes were written in 1957, at a time when the reports of teachers being fired based on gender, age, or even political party were all too common. Since then, however, numerous state and federal laws have been enacted to prevent this sort of workplace discrimination. Although the underlying need for most tenure statutes has been addressed, the language and protections have remained on the books and have morphed into an unintended and cumbersome process that makes for removing even the most ineffective teachers and costly a bureaucratic nightmare.

This amendment would extend from three to five years the amount of time a teacher must teach in a school district before automatically being granted tenure protections. The amendment will also provide additional discretion to local school boards when judging the merits of a superintendent's decision to non-renew a teacher. The amendment also ensures teachers are not judged solely on student test scores, as originally proposed by my esteemed colleague, Senator Larsen.

Amendment 1223s retains a number of significant existing protections offered to tenured teachers, including the ability to request a hearing in front of the school board. It continues the ability for a teacher aggrieved by a school board's decision to appeal to the State Board of Education, protections far beyond those of any at-will employee.

This exact language in this amendment was recommended as Ought to Pass out of the Education Committee on a different bill, after a full public hearing. I ask that you support the committee recommendation and vote Ought to Pass. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you. I rise to oppose this amendment, and, as a result, Senate Bill 196 as it might be amended. Senate Bill 196... This bill could have been brought in as a bill this session. It came up as a surprise in the Education Committee, as some of the members saw language relating to teacher nonrenewal. But, we could have had a full discussion on this. Instead, we had an amendment hearing with about four days' notice to those who might want to come in and speak on it. As a result, very few people were able to attend the hearing; very few people were aware of the proposal.

It makes a significant change to how we deal with teachers in our state, and it's been a topic which even was debated years ago in Senate Education, on which I served for a number of years. Nationally, 50 percent

of all new teachers now leave the profession, and New Hampshire's already having trouble attracting qualified teachers. Adding two years to the probationary period makes New Hampshire an even less attractive place for teachers. Maine and Vermont both have two-year probationary periods; Massachusetts has a three-year probationary period. So, New Hampshire will be at a disadvantage for those teachers who have spent perhaps as much as ten years trying to get a degree, it will make it more difficult for them and make New Hampshire less attractive.

After three years and 540 days and 4,000 hours of teaching, administrators should know why or why they do not choose to renew a teacher, or to have a continuing contract with that teacher. By the time the teacher has been hired by a school, they expect the teacher's already completed a four-year college degree, passed two standardized tests for teachers, and completed an in-school training program. Under this amendment, a teacher could devote as much as ten years to getting an education in teaching and then be non-renewed without a reason. I believe that we need to be working on making our schools better, not finding ways to create chaos in our schools and to dissuade our best and brightest from staying in our state. This is not a question of tenure; New Hampshire does not have a tenure law. It is a nonrenewal law that gives school districts the flexibility they need to remove poorly performing teachers. Most teachers with performance issues, I am advised, resign from their teaching positions if they've been advised that they are not going to be renewed. Even if a non-renewal goes to a school board hearing, the school board's decision is upheld by the State Board of Education and the courts, unless the local school board decision is, "clearly erroneous". Most other laws, such as anti-discrimination laws, do not apply to teachers who are non-renewed, so even this law is not tenure; it is only the way that teachers have a way to find out why they've been non-renewed. Anyone in a profession who has worked ten years in a profession has a right to know why they're not being renewed. This law makes it more difficult for us to keep our good teachers. It's a bad idea, and we should spend more time discussing it. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I too rise against Floor Amendment 1223s, and against what will now be Senate Bill 196.

As many of you know, I'm a teacher; I've been teaching for almost 50 years. I've taught in the public school system, I've taught in the parochial school system, I've taught at the college level. Attracting people to teaching is a most difficult situation. Mister President, you're Chairman of the school board in your community. I served on my local school board for ten years; I was Chairman of the Curriculum and Instruction Committee. We both can commiserate about the difficulty of attracting quality teachers to our environment; it's very, very difficult. How do you get a math teacher? How do you get a science teacher? How do you get teachers when fewer and fewer youngsters leaving postsecondary education are choosing education as their calling? We're not getting the kinds of people involved in education that we used to, and one of the reasons, obviously, is the salary situation. The salary situation versus a private entity is really de minimis. Yet, we are now saying that three years is not enough time to evaluate an individual – three years is not enough time to evaluate an individual. We ask that that individual take subject matter testing, we ask that that individual enhance their edu-

cational experience on a continuing basis by going and taking refresher courses and updating courses, and then we say, in this particular piece of legislation, "Three years is not enough; it has to be five years." Most of us don't keep a vehicle for five years. In some instances, marriages don't last for five years! And yet, what we're saying is, it's going to take five years to evaluate that individual. Now, all of us know that based on the new world that we're living in, most people don't stay in a job five years. The continuous movement of individuals from one opportunity to another has been manifested dramatically – dramatically – in our lifetime. We have an opportunity during that three-year period to evaluate that individual; we can evaluate them on a yearly basis; we can evaluate them on a quarterly basis. I mean, that's really the direction that the school board gives to the principal and to the superintendent. And, we're not a tenure state. Tenure, you know, that is a postsecondary education term that we like to use in association with the secondary level and the primary level. We're a non-renewal state. We have a law – and I'm sure the President knows this – those pink slips have to be given out by April if we're not bringing people back, and we do that on an annual basis – on an annual basis. So, to say we're going to extend it to five years, I think, is not warranted; I don't think it's appropriate at this time. And, to quote my colleague, Senator Larsen, this should have had a significant public hearing; this is a major change – this is a major change when you talk about adding two more years to the period of time, in essence, where you'll be serving at the pleasure of your employer. Not a good thing, and not a good thing to be brought up at the last minute. If you want to bring it up, discuss it, debate it, where the public has an ample opportunity to come forward – I think that's the right thing to do. And I think, as a former school board member, I believe that we had ample opportunity to examine those who were working in our district. And, getting a person to leave during that three-year period? That's done all the time; it's done all the time. Thank you, Mister President.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you very much, Mister President. As Chair of the Education Committee, I would like to say that it was posted in the Calendar; we did have an open hearing; there were people there to speak to it. Should it pass the Senate, it would then go to the House for another full hearing. So, there'd be plenty of opportunity for people to react to the amendment.

But, more importantly than that, over the past ten days, I've had the opportunity on several occasions to meet with teachers in my District that had concerns about pieces of legislation that were coming forward. And, without exception, they all felt that this was a good move, because they feel that on many occasions, teachers are let go at that three-year period because they haven't really proven themselves to the administration, when in fact, if they had just a little bit more time, they could attach themselves to an experienced teacher for mentoring and develop those skills and show those skills. So, every teacher that I spoke with over the last ten days has been in support of extending this to a five-year period.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Yes, thank you, Mister President. I also understand that certain school districts can have their own rules, and I know that Exeter has a two-year period where they are able to – that's a long time: two years – to look at a teacher and then decided for non-renewal or

not. So, this is not setting a limit or an extent of the non-renewal period. Towns are able to adjust their own rules with their own school boards. So, I wanted to put that forward too, as well. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Larsen for a parliamentary inquiry.)

SENATOR LARSEN: As we suspended the rules, did we change the title of the bill, or will the roll call reflect the original title?

PRESIDENT BRAGDON: I believe the floor amendment contains a new title.

SENATOR LARSEN: The title was amended?

PRESIDENT BRAGDON: The title was amended by the floor amendment, if it were to pass.

SENATOR LARSEN: Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. White for a parliamentary inquiry.)

SENATOR WHITE: I apologize, but we've been debating this for a while and I'm lost. It took a two-thirds vote to allow us to suspend the rules and bring a non-germane amendment, but both the amendment and the bill will just simply be a majority vote?

PRESIDENT BRAGDON: Correct. The suspension was required to bring the amendment in. Both the amendment and any future votes on this bill would only require a simple majority.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, Boutin, D'Allesandro, Merrill.

Yeas: 18 - Nays: 6

Adopted, bill ordered to Third Reading.

SCR 1, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States. Re-refer to committee, Vote 3-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that Senate Concurrent Resolution 1 be re-referred to committee. This concurrent resolution makes an application for the Congress of the United States pursuant to Article 5 of the Constitution of the United States to call an Article 5 Amendment Convention for the sole purpose of voting to propose or voting not to propose an amendment to the Constitution of the United States, otherwise known as a Madison Amendment.

After an explanation of the concurrent resolution and what it could do and what it could potentially do if passed, the Committee felt it was appropriate to re-refer the concurrent resolution back to the committee in an effort to further examine its policies and legal aspects.

The Committee asks for your support for the motion of re-refer to committee. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Recess. Out of recess.

JUDICIARY

SB 44, relative to payment of rent pending a landlord-tenant action. Re-refer to committee, Vote 4-0. Senator Houde for the committee.

SENATOR HOUDE: Thank you very much, Mister President. I move Senate Bill 44 be re-referred to committee. This legislation was introduced in order to address landlords' legitimate concern over not receiving rent while an eviction proceeding is ongoing, in many cases. It would have addressed the issue by requiring tenants to pay weekly rent to the court. A tenant currently has to pay rent to the court only when the eviction action is appealed.

After lengthy, sometimes conflicting testimony, particularly with respect to timelines, we believe that there are undoubtedly abuses of the system by tenants who are acting in bad faith. That being said, the Committee saw two main problems that were not addressed in the hearing and in the bill. First being unresolved was the unresolved issue of the dispute between tenants and landlords. For example, as written, the bill would have included tenants who were being evicted for reasons other than nonpayment of rent, resulting in a tenant paying twice. The bill would also have precluded a tenant's day in court regardless of the reason for nonpayment. Occasionally, particularly in public assistance situations, delays are due to bureaucracy and not the tenant. We believe, genuinely, that those issues could be worked out, therefore the re-referral motion.

However, there was a second issue which had to do with the administrative logistics for the courts, which wasn't addressed at all at the hearing other than problems being raised. And, at this time of cost-cutting and layoffs in the court system, the Judiciary Committee was not inclined to require an additional bookkeeping task until more clarity, including the adequacy of funds allocated, could be provided.

So, before we pass along a proposed solution, we want to be certain that it is fair to all parties and not an undue burden to our courts. Therefore, the Judiciary Committee recommends that Senate Bill 44 be re-referred so that we can continue to work on this legislation. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

SB 2, relative to adoption of spending caps by municipalities. Ought to Pass with Amendment, Vote 4-1. Senator Boutin for the committee.

Public and Municipal Affairs

March 22, 2011

2011-1149s

10/09

Amendment to SB 2

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; City Charters; Vote. Amend RSA 49-C:12 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any contrary provision in paragraph I, the adoption of an override threshold provision to a spending cap included in a charter pursuant to RSA 49-C:33, I(d) shall provide for a supermajority vote of the elected body to adopt the annual budget.

2 New Subparagraph; City Charters; Optional Provisions; Spending Cap Added. Amend RSA 49-C:33, I by inserting after subparagraph (c) the following new subparagraph:

(d) A limit on the annual increases to spending under the city budget adopted pursuant to RSA 49-C:23. Such spending cap shall provide for an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter. A spending cap provision in the city charter may provide for specific exclusions for dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.

3 Town Charters; Optional Matters; Spending Cap. Amend RSA 49-D: 3, I(e) to read as follows:

(e) Other matters of local concern may be included in a charter including, but not limited to, conflict of interest provisions which shall be at least as strict as those established in the general laws, citizen powers of initiative, referendum and recall as described in RSA 49-C, [and] *the adoption and periodic review of an administrative code, a merit personnel system, a purchasing system, and a town investment policy, and the adoption of a spending cap limiting the annual increases in spending under the town budget. Such spending cap shall include an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter. Such spending cap may specifically exclude certain dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.*

4 Municipal Budget Law; Application. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters, *except RSA 32:5-b, which shall apply only in those towns or districts adopting that section pursuant to RSA 32:5-c.* RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that section pursuant to RSA 32:14, I, and shall apply automatically in school districts or village districts located wholly within towns adopting that section.

5 New Sections; Local Spending Cap; Adoption of Local Spending Cap. Amend RSA 32 by inserting after section 5-a the following new sections:

32:5-b Local Spending Cap.

I. This section shall be known as the local spending cap act.

II. In this section, the following terms shall have the following meanings:

(a) "Inflation rate" means the Consumer Price Index for all Urban Consumers (CPI-U), Northeast urban, as determined by the Bureau of Labor Statistics, for the 12-month period ending the fifth month prior to the annual meeting of the local subdivision or, for local subdivisions that have adopted RSA 40:13, the fifth month prior to the second session of the annual meeting.

(b) "Net fiscal year appropriation" means all appropriations approved by the legislative body for the fiscal year, including the operat-

ing budget and all amounts appropriated pursuant to special warrant articles and other individual warrant articles, less estimated revenues and credits.

(c) "Estimated revenues and credits" means the estimated revenues and credits for the ensuing year as shown on the budget certified by the governing body or budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5.

(d) "Taxes raised for the prior fiscal year" means the property taxes raised for the prior fiscal year as shown on the budget certified by the governing body or budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5.

III.(a) In any local subdivision that has adopted this section, the net fiscal year appropriation as defined in paragraph II shall not exceed the taxes raised for the prior fiscal year by more than the spending cap authorized when this section was adopted except as provided in this paragraph.

(b) Once the legislative body has approved a net fiscal year appropriation that reaches the limit of the spending cap, each subsequent appropriation that increases the net fiscal year appropriation shall be deemed approved only if it receives an affirmative vote of those present and voting equal to or greater than the override threshold authorized when this section was adopted. If an appropriation that causes the net fiscal year appropriation to exceed the spending cap is approved by a simple majority but less than the override threshold, the appropriation shall be deemed approved only to the amount that is within the spending cap. If an appropriation is initially approved by the legislative body but subsequently disapproved upon reconsideration, that appropriation shall not be counted against the spending cap. Any subsequent appropriation that exceeded the spending cap when voted upon by the legislative body, but that would be within the spending cap when the reconsidered item is removed, shall be deemed approved if it has received a affirmative vote of a simple majority of the legislative body present and voting, even if it was initially deemed disapproved for failure to achieve the override threshold.

(c) For a legislative body that has adopted an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D, appropriations shall be deemed approved in the order that they appear on the official ballot.

(d) Any increase over the prior year's costs under a collective bargaining agreement entered into pursuant to RSA 273-A shall not be counted toward the spending cap.

IV. The governing body shall inform the legislative body of the maximum amount of appropriations that will result in a net fiscal year appropriation that complies with the spending cap. This information shall be contained in a notice placed conspicuously on the warrant or, in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D, on the official ballot. The governing body may, in its discretion, include an explanation of how the proposed appropriations compare to the amount permitted by the spending cap. Any reasonable explanation shall be sufficient, and any errors contained in such notice, if made in good faith and without an intent to mislead the legislative body, shall not be a basis for invalidating any actions of the legislative body.

V. A spending cap established pursuant to this section shall not apply to appropriations made at any special meeting held due to an emergency pursuant to RSA 31:5, I(a) or (b) or a disaster pursuant to RSA 31:5-a.

32:5-c Adoption of Local Spending Cap Act.

I. The provisions of RSA 32:5-b may be adopted by any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-b. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual meeting by the governing body or by petition under the procedures set out in RSA 39:3 or RSA 197:6.

III. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-b, known as the local spending cap act, and limit annual spending increases to (spending cap), with (override threshold) vote required to exceed that limit?" The "spending cap" shall be a fixed dollar amount, a fixed percent or a percent derived from the inflation rate. The "override threshold" shall be either three-fifths or two-thirds.

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote "yes," RSA 32:5-b shall apply within the local subdivision for the fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

VI. Any local subdivision which has adopted RSA 32:5-b may consider rescinding its action in the manner described in paragraphs I through V. The wording of the question shall be: "Shall we rescind the provisions of RSA 32:5-b, known as the local spending cap act, as adopted by the (local subdivision) on (date of adoption), so that there will no longer be a limit on annual spending increases?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this section, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

6 Municipal Budget Law; Limitation on 10 Percent Increase. Amend introductory paragraph of RSA 32:18 to read as follows:

32:18 Limitation of Appropriations. In any municipality electing this subdivision, or any district wholly within a town electing this subdivision, the total amount appropriated at any annual meeting shall not exceed by more than 10 percent the total amount recommended by the budget committee for such meeting. Provided, however, that in any town or district which has adopted the provisions of RSA 32:5-b, any increase which would exceed the spending cap may only be adopted according to the procedures for exceeding the spending cap in RSA 32:5-b. In official ballot referendum municipalities, the recommendation of the budget

committee made for the first session of the meeting shall be used for determining the 10 percent limitation. These totals shall include appropriations contained in special warrant articles. Money may be raised and appropriated for purposes included in the budget or in the warrant and not recommended by the budget committee, but not to an amount which would increase the total appropriations by more than the 10 percent allowed under this paragraph. The 10 percent increase allowable under this paragraph shall be computed on the total amount recommended by the budget committee less that part of any appropriation item which constitutes fixed charges. Fixed charges shall include appropriations for:

7 Home Rule Municipal Charters; Preservation. Amend RSA 49-B:13 to read as follows:

49-B:13 Separability; Preservation.

I. The provisions of this chapter and of charters created under this chapter are separable. If any portion of this chapter, or of any charter adopted under the provisions of this chapter, or if the application of the chapter or such charter to any person or circumstance shall be invalid, the remainder of the chapter or such charter or the application of such invalid portions to other persons or circumstances shall not be affected by such invalidation.

II. All town and city charters which have been adopted, revised or amended; all charter commissions which have been properly established and elected; all elections properly held; and actions properly taken pursuant to such charters are hereby ***endorsed, ratified, validated, and*** legalized, [~~provided that such charters at the time of their adoption were not contrary to the general laws and constitution of the state~~] ***and are fully enforceable.***

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D unless that municipality adopts a budgetary town meeting, official ballot town meeting, an official ballot town council, or representative town meeting pursuant to RSA 49-D:3, I-a, II, II-a and III. ***Except that a municipality may adopt a spending cap as provided in RSA 49-C:33, I(d) or RSA 49-D:3, I(e), notwithstanding the provisions of RSA 32:5-b and RSA 32:5-c.***

8 Use of Official Ballot; Vote. Amend RSA 40:13, XIII to read as follows:

XIII. Approval of all warrant articles shall be by simple majority except for questions which require a ***3/5 or 2/3*** vote by law, contract, or written agreement.

9 Effective Date. This act shall take effect 60 days after its passage.

SENATOR BOUTIN: Thank you, Mister President. I move Senate Bill 2 Ought to Pass with Amendment. Senate Bill 2 is enabling legislation that permits localities to adopt a spending cap.

During this most recent election, there was one message that we heard more loudly and clearly from the voters across the State of New Hampshire: that the taxpayers want relief from overspending, not only at the state level, but they said: "Please provide us with a measure to get local budgetary expenditures under control," and that's what Senate Bill 2 does.

Senate Bill 2 – and this is very important to note – Senate Bill 2 is enabling legislation. Communities can do it, or they can choose not to do it. But, clearly what it does do is it establishes a framework for cities and towns where the governing body has budgetary authority for towns and school districts and what is also called "official ballot" towns. It speci-

fies how they adopt a spending cap. And, then it does something which no spending cap legislation that has come before the Legislature in the last few years does: It lays out some very specific mechanics on how the spending cap works. And, Mister President, because there's so much detail in this, I'd like to just take a moment and go through several of the mechanical details that were worked out in crafting this amendment.

First of all, it talks about taxes raised from a prior year. So, the year that a cap is adopted, that year – that becomes what is known as “taxes for the prior year”. And then, the following year, you have what is defined as “net fiscal appropriation”. And so, the difference between those two numbers is what – if there is a spending cap, that's where it's determined. And, in calculating the net fiscal appropriation, there's three items that are excluded. First of all, dedicated and enterprise funds are excluded. Grants – federal and state – are excluded from that calculation, and also capital reserve funds.

The spending cap can take three forms: it can be a fixed dollar amount, it can be a fixed percent amount, or it can be based on an inflation rate, such as the CPI. So, the bill goes on to establish an override threshold. And, in order to override the spending cap, it requires a two-thirds or a three-fifths supermajority vote.

The next piece of the mechanical parts to this has to do with reconsideration. So, it specifies what occurs if there was a reconsideration vote. Another piece has to do with the official ballot towns where appropriations are approved in the order that they are listed on the ballot. Also, and I want to make this very clear, with respect to collective bargaining agreements: The year that the collective bargaining agreement is approved, the subsequent year, the cap does not apply to that collective bargaining. That does not mean that the town can reduce its spending; it can do that. But, there is a chapter in law 273-A, which has to do with collective bargaining agreements, and once they're approved, the funding on that cannot be adjusted, but other municipal funding can be.

There's also another piece, and that's the 10 percent rule. Now, those of you who live in towns know that the recommended budget can be increased at town meeting by 10 percent. What would happen under a spending cap is, if there was a move to increase the budget by that 10 percent, any portion of that 10 percent increase that goes over the spending cap would be disallowed.

Also, you also know that towns and cities are allowed to go to court for special town meetings in cases of emergencies. That also is excluded from the spending cap. We would not want to say to a town: “You've had a flood; you've had a tornado go through your community, but you can't go out and do what you need to fix that problem.”

Additionally, what it calls for is that on the warrant or on the official ballot, the voters would be notified of what that net fiscal appropriation is, so that they would know at what point they go over the spending cap.

Lastly, there is a rescission provision so that if a community adopts a spending cap and later on they decide they don't want it, they can remove it.

What I'd like to take a moment to do right now is to thank the Chairman, Senator Barnes, for his leadership role in bringing all the stakeholders together. And, we did – there was a lot of work that was involved, and we had folks from the New Hampshire Municipal Association, the New

Hampshire School Board Association, and the New Hampshire School Administrators Association. And, they made many meaningful contributions into the language that has gone into this bill and this amendment, and for that, we thank them, and we're grateful for that.

Now, I have no illusions that they support the policy; they don't support the policy. But, what they will agree to is that at least now, for the first time, that the mechanics are spelled out so that towns and school districts and SB 2 towns know how the spending cap will work. And, one of the things we were told during testimony is that if this is passed, the New Hampshire Municipal Association will conduct training classes for town moderators and school district moderators so they will understand how the spending cap works.

So, in conclusion, Mister Chairman, I would ask that the members of the Senate, on behalf of the Public and Municipal Affairs Committee, please support the committee recommendation of Ought to Pass as Amended. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Yes, I wanted to announce a guest that's here with us today, the Honorable Bob Perry, who's in a conversation right now. He's from my hometown of Strafford, and I wanted to thank him for his former service in the House, and it's good to have him here with us today. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise, once again, to point out the significant legal questions with what we're attempting to do through Senate Bill 2. New Hampshire Supreme Court ruled unanimously that tax cap gimmicks are illegal because they interfere with the ability of cities in New Hampshire to create budgets. I served on City Council for eight years. I was elected by the majority of the people in this City to serve and to represent them and to review budgets for them. To now say that the mayor or city manager would have to submit a budget within a cap that would only exceed the cap by a supermajority violates what I think is what elected officials are sent there to do, and I believe that's what the Court also found. This takes the power away from the citizens of a city and puts it into an arbitrary formula. I think we make a mistake, and I think the evidence shows that tax cap gimmicks are damaging. A tax cap gimmick passed in Manchester – the City's bond rating actually dropped. I heard there are other cities' bond ratings who dropped when they've had their caps enacted. Franklin – and, I excuse my friends who live in Franklin or represent Franklin – but Franklin has had the longest standing tax cap in the state. And, by almost any economic or demographic measure, Franklin lags behind nearly all other cities. Just last week there was a headline that they're closing an elementary school. Franklin has had one of the single largest shifts in the share of property tax burden onto residential property because of the slow and negative growth in their commercial property. A study released recently argues that the Franklin tax gimmick has actually led to an erosion of the demographic and economic base of the City. Private sector job growth in Franklin dropped 25 percent between 1999 and 2000, making its job growth rate worse than any other comparable city. It has over the past received one of the highest rates of state school aid, but spends less per pupil than all but three communities in our state. Massachusetts – we

all love to look at Massachusetts and compare how much better we are, but Massachusetts has had tax cap. In Chelmsford, the town was forced to close an elementary school and a fire station and lay off four firefighters, two police officers, and 14 teachers. In Bridgewater, the town had to reduce library hours to 15 hours a week, and Saugus, Massachusetts closed its library entirely. Hampton, Massachusetts made a decision, and they had to shut off all the streetlights. They've closed libraries, senior centers, and recreation departments.

I've served on local governments; many of you might have done that same thing. How real is it that you can be an effective elected official if you are under some tax cap that's brought on by a supermajority? It's rule of the minority over the majority. It's wrong; it's not good for our cities, it's not good for our towns, it's not good for our state. It's wrong, and I believe that we do not need to pass Senate Bill 2; we need to keep electing officials who will carry out the will of the people. As you can see, we have a House of 400 who've decided that they need to reduce spending and they are doing just that, and they are doing it without a tax cap. Thank you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. I think that the citizens of Franklin would take deep offense at the term "tax gimmick". When they passed their tax cap by a 60 percent vote, then when it was re-voted on, I believe it was a 73 percent vote. And, I suspect that the citizens of Franklin wouldn't have re-passed a tax cap by a 73 percent vote – just another little tidbit about that: If you would also look at the property tax rates in Franklin and see how they've dropped since the tax cap, you would see a different light there.

Now, coming from Franklin to a city I'm very familiar with, because I've lived there for many years, is Rochester. We passed a tax cap two years ago by a two-thirds vote – supermajority vote. We also, in that same election – excuse me, not that same election, because that was the general election. But, the next election, we also elected city officials that we then instructed to live under that tax cap, and they have, and have done quite well living under a budget that was defined by the citizens. It works very well, it works very well in the neighboring City of Dover. As a matter of fact, it works so well, that this past budget cycle, they overrode their tax cap. And, that's exactly what it was designed to do. They had a very tight budget – as a matter of fact, with the cost of living having gone down, their budget would have gone down by about four-tenths of a percent. The city council looked at that and overrode their tax cap. They only needed one additional vote in their city council to do that – they have a city council of 12 – it took seven to pass and eight to have a two-thirds majority; so, one additional member to pass that. With all due respect to my colleague from Concord, it's not a gimmick; it's passed by the citizens by a significant vote, and it works very well.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Houde for a parliamentary inquiry.)

SENATOR HOUDE: Thank you, Mister President. I'm just hoping that we can – I would ask that we talk about another town or city with a tax cap, since there are other to choose from. I appreciate that no one's attacking Franklin directly, per se, but I'm sure there are other examples we can choose from. Thank you very much.

PRESIDENT BRAGDON: Thank you, Senator. I will instruct the Senators to pick on towns in their own districts – at your own peril, I might add.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

SB 193, relative to nomination of political organizations. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move Senate Bill 193 Ought to Pass. This bill permits nomination papers for political organizations to be dated in either the election year or the calendar year prior.

Public testimony centered on the lengthy and cumbersome process for securing nomination petitions. The time it takes to become a certified candidate affects fundraising and campaign organization. Previously, state statute did allow additional time for collecting petition signatures. The change in statute occurred when the State was attempting to comply with the federal Military and Overseas Voter Empowerment Act, known as the MOVE Act. The change was seen as being in line with the goals of the Act. Upon further consideration, however, it now appears the change in statute was unnecessary to meet these goals. Language for the bill was crafted with the assistance of the Secretary of State's Office.

Therefore, the Public and Municipal Affairs Committee recommends Senate Bill 193 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 32, relative to statutory references to the choice and duties of town auditors. Ought to Pass, Vote 3-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 32 Ought to Pass. This bill is a housekeeping measure, suggested by the Office of Legislative Services. It deletes two inappropriate statutory references to repealed or amended sections of the RSA relative to town auditors. HB 1448, which passed last year, inadvertently contained two references to those sections.

The Public and Municipal Affairs Committee recommends House Bill 32 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 42, relative to the appropriate officials with whom to file for a primary. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Sen. Barnes moved to Table HB 42.

The question is on the motion to Table. Adopted.

HB 288-FN-L, relative to payment for election services to unincorporated places. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 288 Ought to Pass. This bill would require certain unincorporated places to pay for election services through the county. Current statute authorizes the Secretary of State to find a town where voters in a nearby unincorporated place can vote. So, for example, residents of Hale's Location in Carroll County vote in Conway. By law, the town is paid the sum of \$50 for conducting the election for an unincorporated place. However, some unincorporated places have grown to a size that makes it significantly more expensive to conduct such elections; Hale's Location being one, where the population is now over 100. This proposal will allow the county to assess the actual cost of an election incurred by a town for an unincorporated place if that unincorporated place has greater than 10 voters.

The Public and Municipal Affairs Committee recommends House Bill 288 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 410 Ought to Pass. This bill extends the reporting date of the committee to study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance on scene, and all call transfers in between, from November 1st, 2010, to on or before November 1st, 2011.

The committee found that the data they needed to complete this study is currently unavailable. They're asking for an extension of time to gather the data, which will be available later this year. Meeting on a quarterly basis is the most efficient way for committee members to gather and review this data.

Therefore, the Public and Municipal Affairs Committee unanimously recommends House Bill 410 be adopted and asks for your support.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

TRANSPORTATION

HB 441-FN, relative to muffling devices on boats. Ought to Pass, Vote 4-1. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move House Bill 441-FN Ought to Pass. This bill eliminates the prohibition on devices that may be used to adjust muffling devices on boats.

The Committee heard from the Department of Safety Division of Marine Patrol, who are neutral on this bill, and from the boating stakeholders. After consideration of the testimony, the Committee determined it would be appropriate to pass this enabling legislation, which could lead to noise reduction on New Hampshire lakes.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Odell moved to remove SB 40 from the table.

The question is on the motion to remove SB 40 from the table. Adopted.

WAYS AND MEANS

SB 40, making technical corrections to meals and rooms tax laws.

The pending question is on the adoption of the Committee Amendment. Adopted.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

March 30, 2011

2011-1308s

09/04

Floor Amendment to SB 40

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Collection of Tax; Separate Bank Account. Amend RSA 78-A:7 by inserting after paragraph IV the following new paragraph:

V. If an operator has failed to timely remit tax due under RSA 78-A:8 for at least 2 consecutive months, the commissioner may require an operator to maintain a separate bank account in a federally insured bank chartered under the laws of New Hampshire or the federal government, with a branch within the state for the deposit of meals and rooms tax. All meals and rooms tax collected by the operator shall be deposited at least weekly in the separate bank account for monthly remittance to the state under RSA 78-A:8. When an operator required by the commissioner to maintain a separate bank account has made timely payments under RSA 78-A:8 for a period of 24 consecutive months, the requirement to maintain a separate bank account shall cease.

SENATOR ODELL: Thank you, Mister President. I'd like to introduce Floor Amendment 1308. And, I'll speak to that amendment. In the deliberations on this bill, which I introduced at the request of the Department of Revenue Administration, it was recognized that in the past, in the last budget, we had an attempt to deal with recalcitrant payers of meals and rooms taxes. And, what the proposal was is to put in place a bond that would be required of all businesses in this category. And, that was burdensome, and so that was taken away. But, the Department feels it needs some way to deal with the people that don't pay their taxes on time. And so, it was proposed, and through some negotiations – I have to thank the Senate President for the leadership on this – was this idea of having the equivalent of a joint account from which monies could be deposited and withdrawn by the Department. And, this seemed to be satisfactory to stakeholders and certainly is satisfactory to the Senate President and is satisfactory to the Department.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I recognize that this is a way to take care of those that are remiss in paying their tax, and it does eliminate the bond situation. But, here's a tax that we pay 3 percent to the person collecting it – we pay 3 percent. So, it would seem to me that rather than creating these separate

bank accounts and saying that if you do it for 24 months, 24 consecutive months, then you're not going to have to keep the bank account, we should be looking at a methodology by which those taxes are remitted if not on a daily basis – which is easy, because they electronically can transfer the money now – on a more consistent basis. It's a tax that's immediately collected, it's a 9 percent tax that's immediately collected; the individual entity gets 3 percent remuneration for collecting the tax, and yet this is going to create that separate bank account, they're going to move the money into that separate bank account, then that separate bank account will be moved in terms of their payment to the State, and if you do this for 24 consecutive months, you go back to the old way. What is the old way? What's the old remittance situation? Is that once a month now, is it once a week, is it once every 30 days? I mean, if we're talking about efficiencies and effectiveness, the float on that money, if it's retained by the vendor, that's a loss for us, a loss for the State. I think we ought to be thinking along those lines. We put a ton of money into Revenue Administration last time. What did we give them in capital appropriation? About \$9 million to create effective mechanisms for operating that Department. I think we ought to be thinking along those lines. Thank you.

(The Chair recognized Sen. Kelly for a question of Sen. Odell.)

SENATOR KELLY: Thank you, Mister President. Senator, I just had a question on line 6 of the floor amendment, 1308. And, I'm trying to understand the total bill here without the floor amendments. But, when it says that the Commissioner may require an operator to maintain a separate bank account, how does the Commissioner decide which operator he may or may not require?

SENATOR ODELL: If an operator has consistently been delinquent in paying their tax on time as determined by the Commissioner, then he would have the opportunity to demand that they have a process in place, which is used in other industries, to have the operator deposit the monies from which the Commissioner could withdraw the amount of money that's due and owed to the State. We have – this is a small number of people that are affected by this. But, remember, all of the good people out there are paying this tax, and they don't need any special attention; they just do it as a routine, as part of their business, part of their responsibility. There are those, always, and I remember Senator Janeway sitting right here: He said, "Why are we punishing all of the operators when a few people are recalcitrant and are delinquent in paying their taxes?" That's what this is addressed to. Let's worry about the small number of people who are not paying their taxes on time as determined by the Commissioner, as he determines it in other places within the tax collecting structure, and make sure that those people pay through the help of having a joint account.

(The Chair recognized Sen. Kelly for a follow-up question of Sen. Odell.)

SENATOR KELLY: So, I just want it to be clear then, the intent here is really to provide an additional kind of protection or an account, and this involves the – for the Commissioner it's not an additional burden, and yet it protects kind of the operators from getting themselves in more trouble?

SENATOR ODELL: Yes. But, it also protects all of the good guys that pay regularly, so that we don't have to have a program, change our

tax collection system – which is working very well – for everybody, just to deal with this small number of people who don't pay their taxes on time.

SENATOR KELLY: Thank you.

SENATOR ODELL: Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

COMMERCE

SB 54, repealing certain condominium registration and filing requirements. Re-refer to committee, Vote 3-0. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I would ask you to join me in voting “No” on the committee recommendation so that a substitute motion of Ought to Pass can be made by Senator De Blois and so that Senator De Blois can offer a floor amendment. Remember: “No” is the vote I am asking for. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. De Blois asserts Rule 2-15 on SB 54.

Sen. De Blois moved Ought to Pass.

Sen. De Blois offered a floor amendment.

Sen. DeBlois, Dist. 18

March 30, 2011

2011-1311s

05/03

Floor Amendment to SB 54

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.

Amend the bill by replacing all after the enacting clause with the following:

1 Condominium Act; Definition of Declarant; Mortgage Holder Exempt. Amend RSA 356-B:3, XIII to read as follows:

XIII. “Declarant” means all persons who execute or propose to execute the declaration or on whose behalf the declaration is executed or proposed to be executed. From the time of the recordation of any amendment to the declaration expanding an expandable condominium, all persons who execute that amendment or on whose behalf that amendment is executed shall also come within this definition. Any successors of the persons referred to in this paragraph who come to stand in the same relation to the condominium as their predecessors did shall also come within this definition; provided, however, this definition shall not include any homeowners association which is not controlled by a declarant

or any mortgage holder that forecloses on a declarant's interest in the condominium, provided that the foreclosing mortgagee refrains from exercising any of the rights reserved to the declarant by this chapter. A foreclosing mortgagee may transfer all such rights to a successor builder or developer without registration or exemption, provided that, prior to such intended transfer, the mortgagee files an affidavit with the attorney general identifying the intended transferee by name, address, and telephone number, and listing the number of units or interests remaining in the condominium, and the number of units or interests so transferred.

2 Duties of the Committee to Study the Laws Relating to Condominium and Homeowners' Associations. Amend RSA 356-B:70, IV(a) to read as follows:

(a) Study laws relevant to condominium and other homeowners' associations, ***and the rules and regulations adopted thereunder, to assess their scope and application and whether revision or amendment is necessary.***

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2011-1311s

AMENDED ANALYSIS

This bill excludes a foreclosing mortgagee from the definition of declarant under the condominium act. The bill also clarifies the duties of the committee to study the laws relating to condominium and homeowners' associations.

SENATOR DE BLOIS: Thank you, Mister President. My bill is a condominium registration act which affects the mortgage bankers in taking over condominium subdivisions and allowing them to pass the property to another developer without declaring themselves as "declarant". Should the mortgagor wish to be a developer or marketer, then he would be the declarant. Otherwise, he would be allowed to pass the property from one developer to another as a normal commercial transaction.

The other portion of the bill is to commit to a study committee to restructure the entire statute of condominium acts. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Sen. Houde for a question of Sen. De Blois.)

SENATOR HOUDE: Senator, thank you for taking the question. I just wanted to confirm two things. One is that the purpose of the amendment in XIII is to clarify that a mortgage-holder – a bank, for example – that takes ownership of a property need not satisfy the requirements of a declarant unless they exercise those characteristics, is that correct?

SENATOR DE BLOIS: That's right. The bill basically allows the mortgagor to take over a subdivision and sell it to another developer. If that banker markets and develops the property, then they become the declarant. Otherwise, they are exempt from being the declarant if selling the property from one person to another is all they're doing.

(The Chair recognized Sen. Houde for a follow-up question of Sen. De Blois.)

SENATOR HOUDE: Thank you, Mister President. Thank you, Senator, for taking the question. And, the study – I just want to clarify the study, which is section 2 of the bill – this is an ongoing study committee to look at condominium laws. So, this just adds a duty to that committee, is that correct? Or, adds something to the scope of their study?

SENATOR DE BLOIS: It really does. And, what the AG's Office asked, and that's why we put it into the study, is to look at the entire statute of the condominium act, because they realize it's 35 years old, it's a little outdated; municipalities have a lot more sophistication and subdivisions and condominium developments. So, that's why the committee has extended those responsibilities to look at the entire structure, which would include associations.

SENATOR HOUDE: Thank you, Senator. Thank you, Mister President.
The question is on the adoption of the Floor Amendment. Adopted.

Sen. De Blois asserts Rule 2-15 on SB 54.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. De Blois asserts Rule 2-15 on SB 54.

SB 120, relative to alcoholic beverage advertising restrictions. Inexpedient to Legislate, Vote 2-2. Senator Prescott for the committee.

SENATOR PRESCOTT: Thank you, Mister President. I will yield to those that wish to speak on behalf of the bill for a floor amendment. Thank you very much.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I would ask that you overturn the 2-2 committee vote of ITL so that I can offer a motion of Ought to Pass.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Failed.

Sen. Stiles moved Ought to Pass.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Senate Bill 120 is legislation about fair advertising. Currently, our restaurants and lounges can identify reduced costs for beverages only within their establishment that cannot be seen from the outside. Advertising to customers who are already in there, they already know what's available. It's advertising to new customers outside the facility that increases their customer base, which can sustain them during slower periods.

Currently, grocery stores and State Liquor Commission and convenience stores are allowed to advertise alcohol freely while the food service community is not. Those who pay the rooms and meals tax are barred from doing so. Why would you restrict a business entity from advertising its products to new customers, inhibiting it from being successful?

The Liquor Commission testified that Senate Bill 120 reinforces responsible alcohol policy, that it empowers and encourages responsible hospitality practices and contains the language that's necessary for the Commission to suspend any advertising or promotion that is inconsistent with the spirit of public health and safety.

Senate Bill 120 is about fairness in our business community. Communities can exercise their local control for signage through sign ordinances. I urge my colleagues to support the Ought to Pass motion. And, thank you, Mister President.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

March 30, 2011

2011-1318s

01/09

Floor Amendment to SB 120

Amend the bill by replacing section 3 with the following:

3 Alcoholic Beverages; Advertising Restrictions. Amend RSA 179:31, XI to read as follows:

~~XI. [No advertising or promotion shall be done by the use of a billboard. Advertising shall not contain any reference to a "happy hour" except that a "happy hour schedule" may be posted within the licensed premises, not in view of any public way and an on-premises licensee may advertise or promote the holding of a "champagne brunch" or similar package.] Licensees may advertise liquor and beverage prices separately from any other advertisement or promotion.~~

XI-a. Notwithstanding paragraph XI, if the legislative body of a city or town adopts a provision prohibiting exterior signs promoting the sale of liquor or beverages at reduced prices, such signs shall not be permitted in that city or town.

SENATOR HOUDE: Thank you, Mister President. I rise to offer an amendment to SB 120 that rests on the bedrock principle of New Hampshire that we talked about today a lot, which is local control: Amendment 1318 would permit a city or a town to prohibit exterior signs promoting the sale of liquor or beverages at reduced prices – so, essentially, opt out of Senate Bill 120, which would permit happy hour advertising. I'm hoping that roundabout sentence did what I wanted it to do.

The Commerce Committee received fairly compelling testimony from the Durham Town Administrator and Police Chief and the Dean of Students at UNH, who was also speaking on behalf of the Deans at Keene State College and Plymouth State University about the potential negative impacts of expanded happy hour advertising on the students, the campus environment, and the communities in which the colleges and universities are located. As such, since there are communities that have concerns over expanded advertising, we should provide a response to that, which is the amendment that you see before you – 1318 – which provides for municipalities to opt out, at least with respect to the exterior signs promotion.

So, I understand Senator Stiles talked about principles of fundamental fairness and our responsibility to – but I think we have a responsibility to the wellbeing of all citizens of New Hampshire, which compels us to provide cities and towns, the entities that have to deal with the impact of expanded advertising, the opportunity to make a decision for themselves. Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in support of the floor amendment, and I thank Senator Houde for bringing forward what I think is a reasonable compromise on this issue.

As you can imagine, coming from Durham, I've been involved in, you know, a lot of discussions at the local level about the concerns regarding binge drinking, alcohol abuse among students in particular. And, I can say that the Town of Durham and the University have been working very well and cooperatively to address those problems. So, I think that it's a reasonable approach to say that a town such as Durham has the opportunity to go ahead and continue their work on this problem in the way that is appropriate for them, and if that includes the potential discussion of adoption of the Senate Bill 120 options, so be it. But, I believe that this is a reasonable compromise to allow municipalities to address this issue in the way that they see fit.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I speak actually neither in favor or opposed to the amendment; I'm somewhat neutral. But, because it came in so late and all of us are just digesting this, really, now, I did want to mention that in the Commerce Committee, just to balance Senator Houde's comments, we did hear from restaurateurs, particularly those that own chains, that they thought this type of amendment would be problematic due to the fact that some of them, you know, there are famous chains in New Hampshire, I won't name names on the Senate floor, but you know, they operate in multiple locations. And, they felt that a patchwork of regulations would be difficult for them. And so, I just want you to think about that before we vote.

There was also the concern brought about, there are certain types of media that aren't really constrained by local advertising, such as newspapers and radio and television, that cross town borders, and that was problematic, as well.

So, again, to be clear, I don't speak in favor or against the amendment. There's difficult choices; everybody, I think, has to go their own way on this. But, I did want to bring balance to what the Commerce Committee heard.

And lastly, I just feel – I know this is a little bit unusual, but I do feel that I have to say something in defense of my fellow Senator, Senator Sanborn. He's had kind of a rough time in the press over this bill, and believe it or not, even in this building over the bill, questioning his integrity, his motives. And, that's not only an assault, really, on Senator Sanborn, but, I feel, on the entire restaurant and beverage industry. And, to be clear, I don't drink; I actually consider myself pretty anti-alcohol. But, the fact of the matter is that alcohol is a legal substance in the State of New Hampshire; there's nothing dishonorable about restaurants or restaurateurs that sell alcohol that do it lawfully. They're hardworking people, they work long hours. Senator Sanborn, in particular, and his wife, Laurie, have invested a lot of their personal time, effort, and, I suppose, their funds, into their business. And, they're honorable people; restaurateurs are honorable people. And, I feel bad that both in the press and, like I said, even within this building, this has devolved a little bit into a personal attack on the integrity of Senator Sanborn and the business he's in. And so, I felt it necessary to make these comments to defend Senator Sanborn. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Bradley, Forsythe, Houde, Groen, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Bragdon.

The following Senators voted No: Gallus, Forrester, Sanborn, Boutin, Stiles.

Yeas: 19 - Nays: 5

Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. Ought to Pass, Vote 3-1. Senator Houde for the committee.

SENATOR HOUDE: Thank you, Mister President. I move Senate Bill 197 Ought to Pass. SB 197 requires home heating oil, kerosene, or liquefied petroleum gas dealers to secure customer prepaid deposits by maintaining either an escrow account, letter of credit, or surety bond of a specified amount.

The majority of the Committee believes that this bill is a move in the right direction for both consumers and businesses because it will provide greater protections for consumers that enter into prepaid contracts and will allow the industry to show it has moved on from a few recent and unfortunate high-profile instances. Senate Bill 197 is the product of a collaborative effort on the part of the Attorney General's Office and the New Hampshire Oil Heat Council that, among other measures, establishes a provision where companies offering prepaid contracts for heating fuel may reserve funds equivalent to 75 percent of the total amount of prepaid balances in an escrow account with the New Hampshire Attorney General's Office named as beneficiary. The provision will increase the likelihood of recovery of money prepaid by the consumer should a company become insolvent and renege on its obligation to provide fuel as outlined in a contract.

Please support the Commerce Committee and vote Ought to Pass on Senate Bill 197. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes. Thank you, Mister President. I do rise in support of SB 197 and would just like to speak to the bill. As the sponsor of this bill, I think I just want to make it really clear to my colleagues what the intent of the bill truly is. And, the intent of the bill is to protect the consumers who enter into these prepaid contracts, and equally important it is for the protection of businesses who offer the prepaid contracts.

We all know that this has been a problem recently and in the last few years. It's unfortunate, and too many familiar situations have struck many of our New Hampshire communities with this issue. Truly, what the issue is is that oil distributors enter into a prepaid contract with customers, but then find themselves unable to deliver the oil. And, in doing so, it is affecting individuals who are consumers and it has affected schools, as well. In particular, in my District, was a very unfortunate situation that happened to an oil company, and not only did consumers suffer because they were individuals that had lost the ability to have oil delivered, and, as well, they now had to come up with additional money

to pay for new oil. It also affected the schools in my District; they had budgeted, now they have to look at maybe making even more cuts in their budget in order to receive additional oil. As well, the company in my District ended with a very tragic ending. Not only did the family end up – or, the business go into bankruptcy, but the family suffered personally, as well. And, I'm not going to go into any further detail with that, just to protect the family.

And, we know that there are many other communities that this very same thing has happened to. In fact, just over the weekend in the paper, there was another notice of another company that actually went into bankruptcy and was unable to deliver oil.

So, really, this legislation – all this legislation does is it repeals one section of the RSA 339, which is our trade and commerce legislation regarding petroleum sales contracts. Currently, in the law, under RSA 339, there are three options for businesses who are offering prepaid contracts to consumers: One is a futures contract; one is a surety bond; and the other is the letter of credit. What this legislation does is, it changes the future contract into an escrow account, where the oil company would actually hold 75 percent of the customers' balance. As we all know, futures contracts really are not a protection for the consumer or for the business. What a futures contract does is that it only requires that the oil company reserve a specific amount of oil to be paid at a later date; it doesn't require the company to actually purchase the oil. So, there's never been any exchange of any funds. That option, the futures contract option, has really not offered any protection to any of either, as I said, the consumer or the business. However, an escrow account replaces the futures contract option, and it provides more protection than the future contract. It protects the oil company from defaulting on their promise and any kind of financial ruin.

We did hear from many of the businesses; they came to the hearing and said that they felt this escrow account as a third option provides a system for their businesses to track dollars, and it's a reasonable business practice. So, it's not an additional burden on the company. We also heard from the oil distributors – as I said, it was not an additional burden on the businesses, and, as well, the oil distributors and the AG finally got together and actually came up, together, with this language. So, they agreed upon it, which has taken forever to do. So, we don't want to lose this opportunity to move that forward.

The legislation is, under current law, just changing that one element, and that law is subject to the consumer protection laws, as well, so there is protection there, as well. So, I really, I urge all of my colleagues to support this legislation, and think that we can continue to offer some additional – not just notice, raising the thresholds, but maybe some additional protections so that these tragedies and unfortunate situations don't happen again. I encourage you to support SB 197. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 4, requiring legislative approval of cost items for state employee contract negotiations. Ought to Pass with Amendment, Vote 3-2. Senator Luther for the committee.

Senate Executive Departments and Administration
March 24, 2011
2011-1195s
08/10

Amendment to SB 4

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR LUTHER: Thank you, Mister President. I move Senate Bill 4 Ought to Pass as Amended. SB 4 requires legislative approval of cost items for state employee contract negotiations. This legislation assures that the Legislature has a seat at the table regarding new contracts negotiated by the Executive Branch and the State Employees Association. SB 4 recreates an oversight responsibility and provides the Legislature with latitude to decide how to exercise that as part of the budget or separate legislation. This in turn gives the Legislature the opportunity to fulfill its responsibility for budgeting for the State of New Hampshire.

The ED&A Committee voted favorably Ought to Pass as Amended, and we ask for your support on this adoption. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I move with some regret and ask the body to overturn the Ought to Pass with Amendment motion; I will offer a subsequent motion of Re-refer to Study. I say that, as I said, with regret, and as the sponsor of the bill. This is another good government initiative, but as we delved into the merits of the bill, we realized that for it to be effective in this legislative session, we're running out of time, if you will. And so, we wanted to re-refer it to make sure that logistically it happens in a way that allows members of the Legislature or the full Legislature to fully participate in any future contracts. So, having said that, I'd urge my colleagues to vote down the Ought to Pass motion and I will introduce a subsequent motion.

The question is on the adoption of the Committee Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass. Failed.

Sen. Bradley moved Re-refer to committee.

The question is on the adoption of the motion of Re-refer to committee. Adopted.

FINANCE

SB 129-FN, requiring valid photo identification to vote in person. Ought to Pass with Amendment, Vote 4-3. Senator Barnes for the committee.

Senate Finance
March 24, 2011
2011-1219s
03/05

Amendment to SB 129-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Election Fund. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least ~~[15]~~ **12** times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

2 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, ~~[announce his or her name to one of the ballot clerks who shall thereupon repeat the name]~~ approach the ballot clerk to check in. The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. The ballot clerk shall announce the name of the voter; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. The voter, if still qualified to vote in the town or ward **and having presented a valid photo identification verifying the voter's identity,** and unless challenged as provided for in RSA ~~[659:27-33]~~ **659:27 through 659:33,** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A valid photo identification shall satisfy all the following:

(a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name in the individual's voter registration record.

(b) The identification shows a photograph of the individual to whom the identification was issued.

(c) The identification includes an expiration date, and the identification is not expired.

(d) The identification was issued by the United States, the state of New Hampshire, a political subdivision of the state of New Hampshire, an educational institution licensed or approved by the postsecondary education commission, or a business or institution recognized by local election officials.

III. If a voter does not have a photo identification that satisfies the requirements of paragraph II, the photo identification requirement may be satisfied by having a digital photograph of the voter taken by an election official to be kept on file.

3 New Sections; Authority of Secretary of State. Amend RSA 659 by inserting after section 13-a the following new sections:

659:13-b Emergency Authority for the Secretary of State. The secretary of state may suspend the photo identification provisions of RSA 659:13 to the extent necessary to accommodate equipment or software failure, power outages, or other unforeseen situations that prevent the provisions of RSA 659:13, III from being carried out.

659:13-c Authority to Expend Moneys From the Election Fund. The secretary of state may expend moneys from the election fund established under RSA 5:6-d for the purpose of purchasing equipment and implementing improvements to information technology that may be required by RSA 659:13, III.

4 Requesting Photo Identification. At any election prior to October 1, 2012, when issuing a ballot pursuant to RSA 659:13, the ballot clerk shall request that the voter present a valid photo identification issued by the United States, the state of New Hampshire, a political subdivision of the state of New Hampshire, an educational institution licensed or approved by the postsecondary education commission, or a business or institution recognized by local election officials. If the voter does not have a photo identification requested under this section, the ballot clerk shall inform the voter that such a photo identification will be required in future elections in order to vote.

5 Effective Date.

I. Section 2 of this act and RSA 659:13-b as inserted by section 3 of this act shall take effect October 1, 2012.

II. The remainder of this act shall take effect 60 days after its passage.

2011-1219s

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person or have his or her photograph taken by an election official to be kept on file. This bill also reduces the balance that the secretary of state is required to maintain in the election fund.

SENATOR BARNES: Thank you, Mister President. I move Senate Bill 129 Ought to Pass with Amendment. This bill requires that a voter present a valid photo identification to vote in person, or have his or her photograph taken by an election official to be kept on file. This bill reduces the balance that the Secretary of State is required to maintain in the election fund. This amendment clarifies the financial component of the bill that the Secretary of State is authorized to accept, budget, and expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education at which the purchase or lease of voting equipment complies with Help America Vote Act of 2002. The Secretary of State shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act. The Secretary of State's Office will use the presidential primary coming up to implement and train elected officials in polling places to ease into the new requirements.

Please support the Finance Committee's motion of Ought to Pass with Amendment, and I thank you Mister President and colleagues.

Recess. Out of recess.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. Just to add a couple of remarks to what my good friend from Raymond just talked about. As I understand the Finance Committee amendment, it strikes the provision that had been in the previously adopted bill about a provisional ballot – that will be gone. There was a lot of opposition from the Secretary of State's Office about the efficacy of utilizing provisional ballots and concern, quite frankly, from voters, as to whether their provisional ballot would count. The Finance Committee amendment says that if somebody comes to vote without a photo ID, they will be able to vote, their ballot will count – it's not provisional. They will have, I believe it's ten days, in which to return to the town clerk with a valid photo ID after having signed an affidavit to ensure that the person is who he or she says that they are. And, let me also make clear that there will be no cost to the voter to attain the non-driver's license, non-passport photo ID to be able to vote. So, hopefully that has clarified any questions that have come up as a result of this bill.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: You just said, Senator Bradley, that this bill is to ensure the voter is who they say they are. Has there been any instance of voter fraud beyond the one ten years ago of a son representing his father and voting? Has any indication from the Attorney General shown voter fraud?

SENATOR BRADLEY: I believe that we discussed this on the floor last week, or two weeks ago, when this bill was debated before it went to the Finance Committee. And, while there hasn't been any specific examples of it, over the years, there have been a number of concerns raised that we believe indicated that there should be a photo ID to make sure that in the future, our elections are as clean and honest as absolutely humanly possible; that somebody prove before they vote, much as you would to get a passport or anything else of that kind of magnitude, that you are in fact who you say you are. This is what I would call a good government reform; it's one that assures the efficacy and the openness and the transparency and the honesty of the voting process.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. If the committee amendment is the amendment in our book, when we had discussions at the Finance Committee, the question of cost was the issue that was discussed. And, at that point in time, we were going to spend a considerably amount of money to have cameras at every site to take this picture; we've got to train people to take this picture, and then they had to verify this picture. I think we're talking about a problem that doesn't exist; we're trying to create a problem. And, what we're trying to do is, again, constrict the voting process. We run the best elections in the United States of America. Our Secretary of State has been lauded by everyone about the quality of our elections. We get better participation here than any place in the United States; that's what elections are all about: getting people to vote. We haven't had voter fraud in New Hampshire. I think those three imperatives exist, and why we are going one step further doesn't make any sense to me at all. We've got a lot of other things that we can spend money on that enhance the lives of people in New Hampshire rather than addressing a problem that doesn't exist. Thank you, Mister President.

(The Chair recognized Sen. Merrill for a question of Sen. D'Allesandro.)

SENATOR MERRILL: Thank you, Mister President, and thank you, Senator D'Allesandro. I understand there's been discussion on the use of funding from the Help America Vote Act, or "HAVA", for purposes of this new suggested requirement or way of dealing with the photo ID issue. Did you feel confident that in fact the HAVA money would be available to this purpose?

SENATOR D'ALLESANDRO: Thank you very much for the question, Senator. What we got from the Secretary of State – actually, the designee of the Secretary; the Deputy came to us – was that he wasn't really absolutely sure that this is what the money could be used for; there are two different pockets of money. So, there was no real clarity as to how that money could be used.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. Just in response to Senator D'Allesandro, we just actually in caucus had a meeting with the Deputy Secretary, and he did assure us that money from the HAVA funds would be used for this purpose. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. Last time that we voted on this bill I did stand up and say I would like to make sure that when people do go to the polls that they aren't turned away and that they do vote. And, I really appreciate the work that the Finance Committee did getting this amendment that we just passed onto this bill, and I will be glad to vote for the bill now. Thank you very much, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I, too, appreciate the work that the Finance Committee did in taking a look at this bill and in entertaining another approach to the bill. However, in my mind, the amended version still puts out obstacles to voting that are unnecessary and will discourage, I think, a subset of our population from voting, and for that reason, I will not vote for this. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 18 - Nays: 6

Adopted, bill ordered to Third Reading.

JUDICIARY

SB 88, relative to physical force in defense of a person. Ought to Pass with Amendment, Vote 3-1. Senator Luther for the committee.

Senate Judiciary
March 24, 2011
2011-1222s
04/05

Amendment to SB 88

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Physical Force in Defense of a Person. Amend RSA 627:4 by inserting after paragraph III the following new paragraph:

IV. A person is not justified in using deadly force on another to defend himself or herself or a third person from deadly force that he or she provoked.

2011-1222s

AMENDED ANALYSIS

This bill removes a person's duty to retreat from an encounter involving deadly force. The bill also provides that a person is not justified in using deadly force on another to defend himself, herself, or a third person from the use of deadly force that he or she provoked.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass with Amendment on SB 88. This legislation deals with the duty to retreat from an encounter involving deadly force. Under the Castle Doctrine, an individual has the right to defend himself or herself in their home or curtilage – that's something, a word I hadn't heard before; I learned what curtilage is. And, that's the area immediately surrounding the home. The provisions of SB 88 merely extend this protection to any place where you have the right to be present. Currently, 31 other states have this statutory right. Adopting SB 88 enables New Hampshire to join these states, thus enabling citizens to defend themselves against unlawful force.

The committee amendment merely clarifies that someone who was the initial aggressor, ie: they were trying to rob you when you defended yourself, cannot turn this provision upside down and be protected under the law.

The Judiciary Committee recommends that SB 88 be adopted with the amendment and asks for your support. I will mention beyond the written comments that I am going to be voting against the amendment.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, and I want to speak specifically to the committee amendment. I would urge my Senate colleagues to vote against the committee amendment, even though I believe the Judiciary Committee did a very good job on the bill, I think that there were concerns raised at kind of the eleventh hour by several of my constituents about the committee amendment, specifically the wording about "provoked" and not being clearly defined, a little bit vague, and perhaps would create some unintended consequences. So, for that reason, I'm asking my Senate colleagues, as Senator Luther also has stated, to vote against the committee amendment. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I rise to speak both to the amendment, to just give a little bit more of a background, perhaps, and also, I was the one on the 3-1, but maybe I'll wait to speak to that.

The Attorney General's Office and the Department of Safety both came in in opposition to the bill as introduced, as people may know. And, that being said, knowing that the policy was going to change somewhat dramatically from the Castle Doctrine to a "stand-your-ground" doctrine, they said: "If you're going to change the policy, please help preclude an unintended consequence of having an initial aggressor benefit from being able to claim they're using deadly force in self defense." And so, we went to the statute on the use of non-deadly force and self defense, where the exact word was used. And, we crafted that not in the hopes of ambiguity, but in the hopes of clarity and consistency. So, for that, I would encourage the committee to support the amendment that was drafted, provided understanding that it is intended to prevent an initial aggressor from taking advantage of this situation to their benefit. That is what it's designed to do, not the other way around. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Luther.)

SENATOR LARSEN: I haven't been looking at my emails today because we've been up here, but some of the emails refer to the Senate amendment as "the Luther amendment". And so, I'm concerned that you are now opposing your own amendment, and I'm wanting to hear your thoughts behind this.

SENATOR LUTHER: Well, there's a little confusion here: It wasn't my amendment. So, I don't believe it was my amendment – yeah. So, there's some confusion on this. I don't recall it being my amendment. So, I just want to clarify that.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Luther.)

SENATOR LARSEN: But, you do oppose it now.

SENATOR LUTHER: Yes.

SENATOR LARSEN: And you voted for it in committee?

SENATOR LUTHER: I did, yes.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Luther.)

SENATOR LARSEN: Is there some information that you came to that's different now than before?

SENATOR LUTHER: I have had a lot of contact with constituents in the last 24 hours, and they've raised enough concerns, I think valid concerns, where I am not comfortable voting for it at this point.

SENATOR LARSEN: Okay. Thank you.

The question is on the adoption of the Committee Amendment. Failed.

Sen. De Blois offered a floor amendment.

Sen. DeBlois, Dist. 18

March 30, 2011

2011-1310s

04/09

Floor Amendment to SB 88

Amend the title of the bill by replacing it with the following:

AN ACT relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Criminal Threatening. Amend RSA 631:4, IV to read as follows:

IV. ***Except as otherwise prohibited by statute***, a person ***who is anywhere he or she has a right to be and*** who responds to a threat which would be considered by a reasonable person as likely to cause serious bodily injury or death to the person or to another by displaying ***or brandishing*** a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed a criminal act under this section.

2011-1310s

AMENDED ANALYSIS

This bill:

I. Removes a person's duty to retreat from an encounter involving deadly force.

II. Provides that a person is not justified in using deadly force on another to defend himself, herself, or a third person from the use of deadly force that he or she provoked.

III. Provides that, except as otherwise prohibited by statute, a person who is anywhere he or she has a right to be and who displays or brandishes a firearm or other means of self-defense to warn off a threat shall not be guilty of criminal threatening.

SENATOR DE BLOIS: The amendment, 1310, has to do with brandishing, and it reads: "Except as otherwise prohibited by statute, a person who is anywhere he or she has a right to be and who responds to a threat which would be considered by a reasonable person as likely to cause serious bodily injury or death to a person or to another by displaying or brandishing a firearm or other means of self-defense with the intent to ward away the person making the threat shall not have committed a criminal act..." Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I would like to speak in opposition to Amendment 1310. But, I may also have questions, and I'm not sure what order, if there's an order, to do that in.

PRESIDENT BRAGDON: What's your question about the order?

SENATOR HOUDE: Well, I guess the question is, have some particulars with respect to the amendment, and then I can ask those and then speak to it – speak against it? How would you...

PRESIDENT BRAGDON: You have questions of Senator De Blois on the amendment?

SENATOR HOUDE: I do.

(The Chair recognized Sen. Houde for a question of Sen. De Blois.)

SENATOR HOUDE: Thank you, Mister President. Thank you, Senator, for taking the question. Senator, would you agree that this is, essentially, the gist of Senate Bill 14, which was introduced earlier this session and is...may be on the table at this juncture?

SENATOR DE BLOIS: Yes, it is.

(The Chair recognized Sen. Houde for a follow-up question of Sen. De Blois.)

SENATOR HOUDE: Okay. And, would you believe that the Judiciary Committee decided to re-refer Senate Bill 14 because there were several unanswered questions with how the bill was introduced?

SENATOR DE BLOIS: No, I don't believe that's the case at all. Our intention was to bring one bill instead of two; 14 and 88 are being combined into one bill at this time.

(The Chair recognized Sen. Houde for a follow-up question of Sen. De Blois.)

SENATOR HOUDE: Thank you very much, Senator. Is "brandishing" defined in statute?

SENATOR DE BLOIS: Yes. Brandishing is in the statute, and it's a criminal offense – a felony. We've had several citizens who have pulled out a weapon and shown it and have been sentenced to three to six years in prison. The simple fact of brandishing, which is showing an arm, should not be a criminal act. And, that's what this bill does to solve that problem, with simply showing a firearm or a weapon would not constitute criminal threatening.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Houde.)

SENATOR HOUDE: I'm not aware of where brandishing is defined in statute, so I'm glad to know that it is. But, could you reference that for me?

SENATOR DE BLOIS: Is it referenced in here? My memory isn't good; I think it's 321:B?

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Actually, perhaps we may want to resolve that issue first, about the definition of "brandishing" in statute before I speak.

PRESIDENT BRAGDON: Senator De Blois, do you have an answer for the previous question about the definition of "brandishing"?

SENATOR DE BLOIS: I'm told that it's not in the statute, but it's... Gee, you know, I thought I read that it was, in 321-B:4, that it was a criminal act to be brandishing a weapon.

PRESIDENT BRAGDON: Thank you, Senator De Blois.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. Yes, I will speak. Until we get clarification about how "brandishing" is defined in statute, I'm going to argue that there's some ambiguity with respect to how it would be – it's certainly not defined in this section. So, we don't know if "brandishing" means taking a gun out of your holster, out of your bag, whatever, holding it, waving it around, pointing it at someone...there's no clarity with respect to what "brandishing" is. The reason, and, in my opinion and my recollection, is that we re-referred this bill is because we wanted to clarify these issues. We can disagree on the policy. But, the idea was to gain clarity so that it wasn't ambiguous when the bill left this chamber. So, that is a principle concern

of mine, is if we're amending criminal statutes we should have clarity with it and not Webster's clarity about what "brandishing" means but our statutory clarification about what "brandishing" means.

I have a second concern, which is with respect to the policy – and, again, we can disagree on the policy. But, my take on the policy here is that we do not want to take this risk of escalation in these sorts of situations. And so, I was thinking about how this bill was drafted, or how this bill came in, and here's a realistic scenario, which is a divorced couple, husband and wife, have joint custody of their kids; they do an exchange at McDonald's. This statute would essentially... They're certainly entitled to be at McDonald's; she's licensed, let's say, but they have a history of domestic violence; he makes a gesture that she interprets, completely reasonably, to be threatening; she takes out and brandishes her gun, her firearm, or other means of self-defense – but let's assume it's a firearm – it goes off, and, God forbid, it kills someone ordering a Big Mac or their kid. And so, this... I'm not using hyperbole; I'm not being melodramatic. I'm painting what I consider to be a reasonable, realistic situation.

I also would add, with respect to the clarity of the statute, and I actually recognize that there's a distinction between how the amendment came in and how the bill was introduced, which is: "except as otherwise prohibited by statute", so I appreciate that effort at clarification of where a firearm might not be allowed. But, I might suggest that there are places where people have a right to be that have rules or regulations that might prohibit them from having firearms, but that situation isn't covered here. So, I believe we have rules or regulations in this chamber that don't allow firearms; we don't next door. So, but this again, let's have clarity. So, if you like the policy, okay, that's fine. But, let's make sure that we take the time to spell out and avoid any ambiguity. Thank you, Mister President.

(The Chair recognized Sen. White for a question of Sen. Houde.)

SENATOR WHITE: My first question to Senator Houde is, do you feel there's ambiguity in the word "displaying" in the bill? The amendment says: "is likely to cause serious bodily injury or death to the person or to another by displaying or brandishing..." Do you think there is ambiguity in the word "displaying"?

SENATOR HOUDE: No, I don't think there's ambiguity in the word "displaying".

(The Chair recognized Sen. White for a follow-up question of Sen. Houde.)

SENATOR WHITE: My second question is, even though there may or may not be a definition of the word "brandishing" in our RSA's, wouldn't there be a definition of that in case law, as there's been many criminal cases about this in New Hampshire?

SENATOR HOUDE: There may well be, Senator White; I don't know the answer to that question. But, I think we have taken the prerogative to define certain terms, whether it's "brandishing" or "displaying", differently than the court has on many occasions, and this would be a situation, in my opinion, where we would want to do that.

SENATOR WHITE: Thank you.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I'd like to respond to some of the comments that Senator Houde brought forward. This bill is specifically aimed at a case that was recently in the news with Ward Bird. The injustice that he suffered for displaying or brandishing a weapon: was convicted of a felony and was sentenced to three to six years. And, that was the mandatory sentence that was unjust, and this bill will prohibit that type of injustice again. Senator Houde says that there are other places that you have a right to be that are not covered. But, I differ with that, because this bill says: "except as otherwise prohibited by statute". Now, statute does prohibit you from being in a courthouse with a weapon or, you know, other places that are prohibited by statute already. So, that is covered; that is in the bill. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I simply rise to point out that, in my mind, there's a big difference between displaying and brandishing. And, displaying can be something as simple as indicating that you have a weapon. Brandishing can include aiming it at someone; brandishing is so ill-defined as in fact you could be pointing it at someone as you're brandishing that you have it. That, to me, raises to a higher level of threatening, and I think it's an important distinction. I think there's a reason why the chiefs of police came and spoke against this bill, and I believe they would probably speak against this amendment. I don't think we've had a hearing on this amendment, so it's hard to know what they would say about that. But, I do believe that there's an important distinction, and there's a reason why the Attorney General came and spoke against the original bill. So, I'm not sure we need to be amending this statute, and that's why I'll be voting "no".

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I will be brief. My point is, we can disagree on the policy – fine. But, let's take a recess, let's take some time to provide clarity so that the objectives can be accomplished and the parameters can be made clear. In response to Senator De Blois' point, I would argue that this bill as amended addresses nothing with respect to Ward Bird. We have bills coming that do address that situation; I'm just not sure that this one actually does. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Carson, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 7

Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

SB 2, relative to adoption of spending caps by municipalities.

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

SB 22, relative to alternative regulation of small incumbent local exchange carriers.

SB 40, making technical corrections to meals and rooms tax laws.

SB 50, making various changes to laws regulating trusts and trust companies.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.

SB 75-FN, relative to clarification of part-time service in the state retirement system.

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine.

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

SB 92, establishing an economic strategic commission to review the relationship between business and government.

SB 111, relative to short sales of a homeowner's residence.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

SB 120, relative to alcoholic beverage advertising restrictions.

SB 121, relative to the application of the worker adjustment and retraining notification act.

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund.

SB 154-FN, (New Title) reforming and renaming the comprehensive shoreland protection act.

SB 156-FN-L, (New Title) authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

SB 160-FN, relative to the definition and regulation of installment loans.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

SB 179, relative to qualified purchasing alliances.

SB 189, relative to the definition of mortgage loan originator.

SB 193, relative to nomination of political organizations.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas.

HB 32, relative to statutory references to the choice and duties of town auditors.

HB 45, relative to the Connecticut Lakes headwater citizens committee.

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie.

HB 195, relative to special permits for transportation of deer.

HB 288-FN-L, relative to payment for election services to unincorporated places.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee.

HB 441-FN, relative to muffling devices on boats.

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Bradley: SB 154-FN.

Sen. De Blois: SB 54.

Sen. Sanborn: SB 86.

Sen. White: SB 50, SB 110, SB 119, SB 170, SB 179.

ANNOUNCEMENTS

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I have a 2-17. As all of you know, I'm sure everyone in this chamber realizes, that spring training has been going on down in Arizona and down in Florida for a month-and-a-half, and that the season officially gets kicked off tomorrow. Now, New Hampshire's team doesn't start until Friday – of course, New Hampshire's team is the Boston Red Sox, as we all know.

In my opinion, today marks the first day of the regular session in the Senate. This has been a great example of a lot of discussion, and we're going to have a lot of major-league decisions to be making as we go along. And, we're starting the day before the official Major League baseball season starts. And, the rosters have all been settled, and all 24 of us have a position; we didn't get cut, we didn't get sent to Pawtucket; we're all here.

Now, having said that, we have the great news on the front page – and, I don't have the front page, but on the front page, there was a picture of a young man – it was a small picture. But, on the front page of the sporting page, there's a picture – a bigger picture – and there's a certain Senator in here who knows that young man very well; it's her son. Her son, Sam, has made the big-time. Her son has been playing a lot of Minor League baseball and some Major League baseball; he's been called up, he's with the Cubs. And, it was interesting that the Chicago Cubs traded Sam to Tampa Bay – which is one of our enemies, so I won't be able to root for her young man; for 18 games I'll have to be booing him. But, other than that I'll be cheering him on. He made the big-time. Now, I think that's tremendous, and we congratulate you, Senator, you and your husband, and obviously your son. And, we know you're going to have fun going to Fenway Park and down to New York, close by to see him; you won't have to go out to those places in Dubuque, Iowa and West Cupcake, Oregon to see him play; he's in the big-time! Just like all of you; you're in the big-time.

Now, I'm going to read something, and I'll read it quickly. It's something that caught my eye; it was in the Sunday paper. And, there's a problem with it; the guy that wrote it's a Yankee fan. If this had been me, if I'd have been intelligent enough to write this, I would have made other references, but forgive me when I mention some references that this fella makes. And, it's by Roger Rosenblatt. And, I've got to tell you, it brought a couple of almost tears to my eyes as I read this, because our season is getting ready to start.

"Take me out to the ballgame! Spring is here, and Americans thoughts turn, once again, to baseball. When the game was over, I stood with a bunch of kids outside Yankee Stadium waiting to get autographs. The Indians' Bob Feller burst through the door, a losing pitcher's scowl on his face and plowed through us, muttering his irritation. Offended, I reported it to my dad, who suggested I write a letter of complaint to the *New York Times*. I was 10, and it was 1951. I can't recall if the *Times* ran my letter, or even if I mailed it. But the incident suggests what an innocent time that was, long before big money divided fans from the stars, when players were expected to sign baseballs and chat with kids in the street.

Yet even now, when a so-so reliever costs \$5 million and the stadium serves quiche, baseball retains most of its innocence. Here we are, older and jaded, and still giddy as the season begins,” and, you’re looking at a giddy Senator right now, “Nothing in American life excites us this way. Of course, my “we” and “us” assume everyone loves the game, but why not? Baseball is America. It’s competitive,” just like in this chamber sometimes. “It’s green. And it’s such a well-made invention.

Like the Constitution, baseball has balances between institutional order and individual passion. For over a century, its rules have suffered no major changes. Sixty feet and six inches is still sixty feet and six inches; the bat is the bat; the ball, the ball.

Yet within that sturdy sameness, the individual goes to town. Robinson Cano flips the ball to first like a 95-miler fastball.” He’s the second baseman for the evil empire, if you don’t know. “Mariano Rivera locates his cutter anywhere he wants to. The Pirates’ Andrew McCutchen runs like a sprinter, and the Cardinals’ Albert Pujols hits everything a country mile. Baseball is the only major sport in which the person, not the ball, does the scoring. Huge Adam Dunn of the White Sox has batted a career .250, while Seattle’s Ichiro Suzuki (170 pounds?) has batted .331. And every feat seems all the more amazing because it is accomplished within the confines of an orderly universe.

The Irish writer Sean O’Faolain said that the most hopeful word in the English language is “and.” And. And here we go again, longing for the world of pitchers and catchers and balls and strikes. And jobs are hard to come by. And mortgages are hard to pay. And the world may be full of terror and tears. And yet...

There are two seasons to baseball and two seasons of emotions:” Just like there are in this chamber. “The heady optimism of spring and early summer and then the dispiriting time not long after the All-Star game, when everything that was heaving with promise comes to a hard end. From April to August, baseball is Mickey Mantle as a boy with peach fuzz, an Oklahoma twang, and knees that worked. From August to the Series, it’s the man with bloodshot eyes and a sunbaked neck, and the foolish yearning to play one year too many.

No sport cherishes its memories like baseball. Will you ever forget” – and I sure won’t – “the picture of Willie Mays’s back as he ran down Vic Wertz’s drive in the 1954 World Series?” And, I’ll bet you Lou D’Allesandro remembers that; he was probably watching it. What a catch. “Will you forget Ted Williams’s last at-bat, how he shot around the bases after his home run and then refused to acknowledge the Boston fans, contemptuous to the end? And Stan Musial’s shy smile? And Bob Gibson’s glower? And you – will you ever forget you – -tossing a ball with your mom or dad” – and I bet you that happened in your household more than once – “in the yard, the two of you connected by nothing but a baseball? You played “catch,” not “throw,” because in no other way were you so completely catching each other.” How many times did you catch that? Boy, I bet you were out there. Okay.

“Bob Feller died last year. I no longer wait outside Yankee Stadium, and I go to maybe three games a year. Yet I go. And I always go early, to watch batting practice, and fungo, and the games of pepper. It is then that we can see the players not as tycoons but as kids; then, as the

game is about to begin, that we perch on the edge of our seats, all in it together, one game, one country. And Derek Jeter is breaking toward second. And Minnesota's Joe Mauer is rising from his crouch and pegging the ball low and on the first-base side of the bag. And Jeter goes in headfirst. And there's so much dust. And the umpire cries, "Out!" Out? Are you kidding?!"

Guys, we're at our regular season, and so is baseball, starting tomorrow. Thank you for your indulgence.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: I'd like a Rule 2-17. Very briefly, I would like to wish my daughter, Deirdre, a Happy 22nd Birthday today.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. And, I guess this is a Rule 2-17. I just wanted to thank Senator Barnes for his kind words about Sam. And, it's a pleasure to share Sam's good news with my colleagues here. He's worked hard to get on that opening day roster. I wish I could say I could share 23 free tickets too, or maybe more for our other friends around the room, but not as a new guy – I can't do that. But, perhaps we can meet out in the bleachers sometime when Tampa Bay comes to town.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: As the new season starts, I hope Senator Barnes has the passion in Finance. For all of you that have an interest in finance, and for all of you that have questions that you want to reply back to your constituents where phase two is, because the Senate has not touched the budget yet. The Governor spoke, the House will speak tomorrow, and the Senate, on Monday, will be introduced to the House's position at 1:00. And, all Senators are welcome. If you're coming, I think you should probably let us know – it'll be in Room 103 – so we can save a seat for you. If you can't make Monday, Wednesday, LBA's going to present to Senate Finance starting at 10:00; it'll be in much more detail. But, it's another opportunity to learn, and we're looking forward to the new season, right Senator?

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Rule 2-17. Very quickly, I just want to say, as a freshman, and I think a lot of my colleagues would share this, that it's a real privilege to be part of this institution, and I think today has been a great experience, even though it's been long; it's been a great privilege, and I just want to thank you all for just your kindnesses and working together.

(The Chair recognized Sen. White.)

SENATOR WHITE: I will echo Senator Luther. I think it's been a really good day. Don't forget, today we started this day with Timothy Gibson's memorial bridge, a very somber moment. But, I can tell you that this Senate made us proud, and I can tell you you made a big impact on that family, so I'm really grateful for that. And, I'm grateful for the leadership of Senator Bragdon and all that happened today; I think things went very smoothly. I'm grateful for the leadership of Senator Larsen, because I feel that both caucuses work together very well; my understanding is crossover day, I should still have three or four hours to go, but we don't, and I think that's a tribute to both of those leaders:

Senator Larsen and Senator Bragdon. So, I wanted to give you your due for that and just thank the whole body again for what you did for Corporal Gibson.

PRESIDENT BRAGDON: Thank you very much. I would certainly like to thank Senator Bradley and Senator Larsen for their assistance in making things flow smoothly.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 15, relative to the duties of tax collectors and clerks.

SB 112, relative to the membership on the advanced manufacturing education advisory council.

SB 127-FN, relative to the city of Manchester's contributory retirement system.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

HB 160, relative to the powers of the joint committee on legislative facilities.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 490-FN, adopting the interstate compact for juveniles.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor.

HB 648, relative to eminent domain petitions by public utilities.

HB 651, allowing the sale and possession of monk parakeets.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Finance Committee.)

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Finance Committee.)

HB 25-FN-A, making appropriations for capital improvements. (Capital Budget Committee.)

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (Executive Departments and Administration Committee.)

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (Executive Departments and Administration Committee.)

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (Executive Departments and Administration Committee.)

HB 205-FN, relative to notice to owners of upstream dams. (Energy and Natural Resources Committee.)

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. (Judiciary Committee.)

HB 274-FN, relative to voting procedures. (Public and Municipal Affairs Committee.)

HB 284-FN, relative to contact lens prescriptions. (Health and Human Services Committee.)

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Health and Human Services Committee.)

HB 330-FN, relative to carrying firearms. (Judiciary Committee.)

HB 331-FN, relative to posting agency expenditures on the state transparency website. (Executive Departments and Administration Committee.)

HB 337-FN-L, relative to the calculation and distribution of adequate education grants. (Finance Committee.)

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Transportation Committee.)

HB 398, relative to service animals. (Public and Municipal Affairs Committee.)

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. (Executive Departments and Administration Committee.)

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts. (Finance Committee.)

HB 466-FN, eliminating the ballot law commission. (Public and Municipal Affairs Committee.)

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. (Energy and Natural Resources Committee.)

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (Commerce Committee.)

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. (Health and Human Services Committee.)

HB 487-FN, relative to election day registrants. (Public and Municipal Affairs Committee.)

HB 490-FN, adopting the interstate compact for juveniles. (Judiciary Committee.)

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership. (Health and Human Services Committee.)

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Energy and Natural Resources Committee.)

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. (Public and Municipal Affairs Committee.)

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. (Executive Departments and Administration Committee.)

HB 585, proclaiming the third Friday in October as New Hampshire history day. (Public and Municipal Affairs Committee.)

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official. (Public and Municipal Affairs Committee.)

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. (Finance Committee.)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

April 13, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

Since I was with you last, the Church and the Legislature have been in the news. You all need to behave yourselves while I'm gone. Seriously.

In Hebrew Scriptures, the word for guidance is takh-boo-law, and it means "rope"; the word for guidance means "rope". It comes from the nautical language, in that a boat can find its way safely into port or secured to an anchor by a rope.

We all need guidance from time to time, especially those in leadership, and the young, and the tired. We need the wisdom of a guide on the side and not a sage on the stage.

I have found that the guides, those human ropes which form me and expose my thoughts to their wisdom help me not to say or do stupid, mean-spirited things. These guides are the ones that suggest that I not send the email and not speak the poison and not mail the letter, at least until I've thought about it and prayed about it, but to wait for my narcissism to subside slightly so as not to be given to violent communication. If you have a wise guide, you're blessed. If you don't, find one. They're everywhere, and they're in the least likely places, mostly older women who will sit down with you and tell you to calm down and to think and to pray. We all have to do that hard work as leaders of making the choice between being adored and being effective, and it is a very important choice. Let us pray.

God of the wise, grant us wisdom in working, kindness in speaking, compassion in relating, and censure in editing what we do and say. And, if it is your desire, please send us those wise people who guide us as a rope in a blizzard, tied from the barn door to the back door, safely guiding us home as we work, as we live, and as we speak. Amen.

Sen. Carson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: I have two young women from the beautiful Town of Hollis. And, actually, let me mention one thing about Hollis; I don't know if everybody's aware of this: Hollis lost more troops on a percentage basis at Bunker Hill than any other New England town. So, they paid a deep price for our freedom. And so, two young women here. And, one of these women has a very distinguished name: Haley Barbour. And, Haley, why don't you stand up? She's in the 10th grade, and her favorite subject is English. She's in the student council, yearbook club, cross-country running, and Girl Scouts. And, she wants to go to college in Boston – she was telling me maybe at Emerson College – to study journalism. So, maybe in a few years we'll see her over at the table with our journalist friends over there, covering us. So, let's welcome Haley.

And, Emily Benz – Emily, why don't you stand? She is also in the 10th grade; they're both from Hollis-Brookline High School. And, her favorite subject is math, and – do you use a calculator? You don't need one. Can you do it all in your head? And, her favorite book is *The Truth About Forever*. I was asking them: "What is that book about?" And they both said it's a girly book. So, I said: "I'm not going to go beyond that." She's cross-country interests, track, math team, science, Olympiad, student council, Girl Scouts – you're busy! Doing a lot of stuff. And, she wants to go to a college where she can study math and science, and that's such a key part of the future of our nation. So, let's welcome Emily.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 36-FN-L, HB 136-FN, HB 142-FN, HB 185-FN, HB 186-FN, HB 206-FN, HB 229-FN-A, HB 231-FN, HB 333-FN, HB 368-FN-L, HB 369-FN-L, HB 439-FN-L, HB 444-FN, HB 457-FN, HB 464-FN, HB 491-FN, HB 542-FN, HB 571-FN, HB 627-FN.

COMMITTEE REPORTS

COMMERCE

HB 95, permitting an insurer to operate a health maintenance organization as a line of business. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move that House Bill 95 Ought to Pass. This bill will allow a licensed health insurer to also operate a health maintenance organization as a line of business within one corporate entity, a practice presently not allowed in our statutes.

One of our New Hampshire insurance carriers has been interested in merging two of their existing health insurance entities, which will help them save administrative costs and streamline their organization. The insurance carrier has worked with the Department of Insurance on this language that will allow them to move forward with their merger.

Please join the unanimous Commerce Committee and vote Ought to Pass on House Bill 95. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on HB 95.

HB 142-FN, relative to sales of artificial flowers and miniature flags. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move that House Bill 142-FN Ought to Pass. This existing statute goes back to World War II, when residents of New Hampshire displayed real flowers and cloth American Flags to show support and respect for our military personnel. Many became disappointed when local vendors began hawking artificial flowers and plastic flags, as it could be construed as showing disrespect to our military personnel, and legislation was passed outlawing artificial flowers and flags. This legislation has been on our books since, yet rarely if ever enforced. This bill repeals the prohibitions on the sale of artificial flowers and miniature flags by street vendors.

Please join the unanimous Commerce Committee and vote Ought to Pass on House Bill 142-FN. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine. Ought to Pass, Vote 5-0. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I move House Bill 333-FN Ought to Pass. This bill repeals labeling requirements for oleomargarine sold in less quantity than the original packages contain and for serving colored oleomargarine. Modern food packaging regulations cover all processed foods, so the current statute is no longer needed.

Please join the unanimous Commerce Committee and vote Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on HB 333-FN.

HB 627-FN, relative to "essential benefits" under federal health care reform. Re-refer to committee, Vote 5-0. Senator White for the committee.

SENATOR WHITE: Thank you again, Mister President. I move that House Bill 627-FN be Re-referred to committee. This bill provides that any state insurance mandate that exceeds or which offers better benefits than the essential benefits section of the Patient Protection and Affordable Care Act of 2009 as amended and which mandate is required to be paid for by the State of New Hampshire shall not be available to the insured.

Given that the federal government has yet to determine what the essential benefits will be in the Patient Protection and Affordable Care Act of 2009, the Committee felt it prudent to approach this with a Re-refer of this bill and wait and see what decisions are made in Washington before we move forward.

Please join the unanimous Commerce Committee and vote to Re-refer House Bill 627-FN. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

EDUCATION

HB 67, expanding the duties of the school administrative unit oversight committee. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Senate Education
March 30, 2011
2011-1312s
04/05

Amendment to HB 67

Amend the title of the bill by replacing it with the following:

AN ACT expanding the duties of the school administrative unit legislative oversight committee and directing the committee to study the statewide consolidation of school administrative units.

Amend the bill by replacing all after section 2 with the following:

3 Legislative Oversight Committee; Consolidation of School Administrative Units. The legislative oversight committee established in RSA 194-C:11 shall, in addition to its duties set forth in RSA 194-C:12, study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 31, 2011.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2011-1312s

AMENDED ANALYSIS

This bill expands the duties of the school administrative unit legislative oversight committee by requiring the committee to study specific issues relative to cooperative school districts. This bill also requires the committee to study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each.

SENATOR STILES: Thank you, Mister President. I move House Bill 67 Ought to Pass with Amendment. This legislation expands the duties of the school administrative unit oversight committee to include cooperative school districts as part of their oversight.

In considering the legislation, the Senate Education Committee amended the bill by including the language from Senate Bill 90, previously passed by the Senate, which tasked the oversight committee with reviewing the possibility of SAU consolidation. This will place all the added responsibilities of the oversight committee into one piece of legislation. This was agreed to by the prime sponsors of both pieces of legislation.

Therefore, the Education Committee recommends that House Bill 67 Ought to Pass with Amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 69, relative to the community college system of New Hampshire academic centers. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

SENATOR KELLY: Thank you, Mister President. I move House Bill 69 Ought to Pass. This legislation includes regional academic centers within the community college system of New Hampshire and further authorizes the board of trustees to render the final decision on the closure of any college or regional academic center within the community college system. The primary emphasis for this legislation is to place the academic centers in statute within the community college system. Therefore, the Education Committee recommends that House Bill 69 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Carson asserts Rule 2-15 on HB 69.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar. Ought to Pass, Vote 3-1. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 112 Ought to Pass. This legislation permits school districts the authority to set their annual calendar, so long as it complies with the rules set forth by the Department of Education.

Presently, the Commissioner must provide the final approval of a school district's calendar, even if it already complies with the law. Establishing a district calendar takes considerable time and effort from the school board, administrators, parents, and students, and this legislation provides that their efforts will be fruitful so long as they comply with the rules set forth by the Department of Education.

Therefore, the Education Committee recommends that House Bill 112 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass on HB 112.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute. Ought to Pass, Vote 4-0. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 170 Ought to Pass. This legislation confers degree-granting authority to the Upper Valley Educators Institute. Presently, the Upper Valley Educators Institute provides a certificate program for teachers that is accepted for graduate school credit at several colleges and universities in the region. This legislation would allow UVEI to have an entirely competency-based Master's program, essentially becoming a small graduate school.

While the postsecondary commission has stated their support for the legislation and approval for the programs and courses, legislative approval is needed to provide the degree-granting authority to UVEI. Therefore, the Education Committee recommends that House Bill 170 Ought to Pass and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I just wanted to rise very briefly to thank the Committee – Senator Forsythe and the Committee – for moving HB 170 along and recognizing the valuable contribution to the education community that the Upper Valley Educators Institute provides. Thank you very much.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 172, relative to transporting school children to school and school-supported activities. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

SENATOR KELLY: Thank you, Mister President. I move House Bill 172 Ought to Pass. This legislation permits pupils to be transported to or from school or a school-sponsored activity in a mixed-use school bus.

This legislation was prompted by several school districts that have been forced to absorb large costs for full-size school buses to transport as few as six students, and is a result of an unintended consequence from the Department of Safety's rule that stated students must be transported by a driver licensed to drive a school bus. This legislation alleviates any concerns in regards to insurance purposes, as the drivers would be employees of the school district and therefore covered by the district's insurance policy.

Therefore, the Education Committee recommends that House Bill 172 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

Sen. Stiles moved to Lay on the Table HB 369-FN-L. Adopted.

HB 505-FN, making charter schools eligible for grants for leased space. Ought to Pass, Vote 3-2. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 505-FN Ought to Pass. This legislation authorizes chartered public schools to be included in the application process to receive school building aid.

Currently, chartered public schools must factor leasing costs into their budget. Yet, the school building aid fund provides leasing assistance to vocational schools as well as building aid for public schools. In this legislation, the chartered public schools would be provided a mere 30 percent of their lease cost, but with the school building aid fund currently in moratorium, this legislation would have no fiscal impact on the State. Although chartered public schools would not immediately benefit from this bill, the passage of this legislation may open doors to federal grants that would otherwise be closed.

Therefore, the Education Committee recommends that House Bill 505-FN Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. Inexpedient to Legislate, Vote 4-1. Senator Carson for the committee.

Sen. Carson moved to Lay on the Table HB 542-FN.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Odell, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Sanborn, White, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 7

Adopted.

ENERGY AND NATURAL RESOURCES

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move House Bill 27 Ought to Pass. House Bill 27 as amended by the House makes the following changes to the New Hampshire rivers management and protection program:

First, this bill permits the Commissioner of the Department of Environmental Services to approve certain permit alterations which have de minimis impact or restore a channel's characteristics.

Secondly, the bill requires tributaries and segments of rivers designated for protection to be listed in the same paragraph.

Finally, the bill extends the time before septage and sludge land application restrictions apply. So, I would ask you to please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 27.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 46, relative to the membership of the current use advisory board. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move HB 46 Ought to Pass. House Bill 46 clarifies membership qualifications for persons appointed to the current use advisory board. These technical terms take out prohibitive language as well as outdated language. Further, the changes were recommended by the current use advisory board.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on HB 46. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 55, adding a member to the exotic aquatic weeds and species committee. Ought to Pass with Amendment, Vote 4-0. Senator Merrill for the committee.

Energy and Natural Resources

March 24, 2011

2011-1225s

06/01

Amendment to HB 55

Amend the title of the bill by replacing it with the following:

AN ACT adding members to the exotic aquatic weeds and species committee.

Amend the bill by replacing section 1 with the following:

1 Exotic Aquatic Weeds and Species Committee; Membership. Amend RSA 487:30, II(a)(2) to read as follows:

(2) One member of the senate and ~~[one]~~ 2 public ~~[member]~~ *members*, appointed by the president of the senate.

(3) One member of the New Hampshire Lakes Association, appointed by the chairman of the board of that association with the concurrence of the chairman of the committee.

2011-1225s

AMENDED ANALYSIS

This bill adds members to the exotic aquatic weeds and species committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 55 Ought to Pass with Amendment. House Bill 55 adds a representative from the New Hampshire Lakes Association to the exotic aquatic weeds and species committee.

The adverse effects of invasive exotic aquatic plants on New Hampshire's lakes are among the principle concerns of the New Hampshire Lakes Association. Its direct involvement in the committee will strengthen the committee's ability to address important ecological problems. The amendment simply makes a technical correction to clarify that there will be two public members appointed by the President of the Senate.

Please join the Energy and Natural Resources Committee in recommending Ought to Pass with Amendment on House Bill 55. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Merrill.)

SENATOR BARNES: Thank you, Mister President. Is it true, Senator Merrill, that yesterday, in committee, there was a move to remove you from the committee room because of what your son did the night before? And, is it also true that the vote was 15-1, and that I as the Chairman of that committee am bringing out a minority report?

SENATOR MERRILL: That's my recollection, yes, that you brought the motion, and it was soundly defeated with help from the audience.

SENATOR BARNES: Thank you.

SENATOR MERRILL: Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, and good morning, Mister President, again. I'd like to welcome a lot of different students from the Governor Wentworth School District that go to the Crescent Lake School. My youngest son actually graduated from there a few years ago. So, thanks for coming down to visit us; let's have some ice out on Lake Winnepesaukee pretty soon, okay? Great. Thank you.

HB 63, extending the instream pilot program for one year. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 63 Ought to Pass. House Bill 63 extends the instream pilot program for one

year. The Department of Environmental Services believes that the additional time is reasonable so that the water management plans needed for water use management and dam operation to protect instream flows can be finalized. This additional time will help ensure that both the pilot projects on the Lamprey and the Souhegan Rivers are successful.

Please join the Energy and Natural Resources Committee in voting Ought to Pass on House Bill 63. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 206-FN, establishing an apprentice hunting license. Ought to Pass, Vote 4-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 206-FN Ought to Pass. House Bill 206-FN allows the Fish and Game Department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license. This bill was a request of the Fish and Game Department.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 206-FN. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 278, setting the natural high water mark of Ossipee Lake. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 24, 2011

2011-1224s

06/03

Amendment to HB 278

Amend the title of the bill by replacing it with the following:

AN ACT setting the natural mean high water mark of Ossipee Lake.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Water Jurisdiction; Natural High Water Mark of Ossipee Lake. Amend RSA 271:20 by inserting after paragraph II the following new paragraph:

III. The general court finds, based on all available information, that the natural mean high water mark of Ossipee Lake is 407.25 feet above mean sea level.

2011-1224s

AMENDED ANALYSIS

This bill sets the natural mean high water mark of Ossipee Lake.

SENATOR BRADLEY: Thank you again, Mister President. I move House Bill 278 Ought to Pass with Amendment. House Bill 278 sets the natural high water mark of Ossipee Lake.

Questions about the natural high water mark concern many property owners around the lake, as well as the three communities those properties are located in. The changes in this bill will alleviate concerns, and the amendment brings language that clearly shows the General Court's intent to set the natural high water mark on the basis of scientific information.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass with Amendment on HB 278. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 336, designating segments of the Mascoma River as a protected river. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move House Bill 336 Ought to Pass. House Bill 336 designates segments of the Mascoma River as a protected river.

Over the past three years, communities in the Mascoma River watershed have conducted a very public process to evaluate the natural resources, study the cultural heritage, and build support for nominating this river into the New Hampshire Rivers Management and Protection Program. Designating segments as protected will help ensure the long-term vitality of a culturally rich river.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 336. Thank you, Mister President. (The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. Again, I rise just to thank the Energy and Natural Resources Committee and urge my colleagues to vote in support of its recommendation. I also just wanted to recognize the work of many people involved in this project, but also, in particular, the Upper Valley Lake Sunapee Regional Planning Commission, who's been shepherding this designation through the entire process for about three years now. So, thank you very much, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 404 Ought to Pass. House Bill 404 includes self-composting toilets or incinerating toilets on the list of toilet facilities which may be provided in recreational campgrounds or camping parks. This specific language was added in order to bring clarity to the statute.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 404. Thank you, Mister President. (The Chair recognized Sen. Prescott for a question of Sen. Bradley.)

SENATOR PRESCOTT: I appreciate the hard work, Senator Bradley, that you did in committee. I just wanted to know if the amendment actually does clear the air.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 439-FN-L, relative to claiming an invasive species as a habitat. Refer to committee, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Well, since the air was cleared so well on the previous bill, I've lost the right sheet. I was distracted by Senator Sanborn's tie, trying to answer Senator Prescott's question, and obviously the air is muggy.

So, thank you, Mister President. I move House Bill 439 be Re-referred to Committee. House Bill 439 exempts invasive species from being claimed as habitats for endangered species. While we recognize the problems that invasive species can create, the Committee believes that state agencies involved are currently developing a process for addressing control of invasive aquatic plants to balance the mandates of each agency.

Please join the Energy and Natural Resources Committee's recommendation of Re-refer to committee. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. Morse asserts Rule 2-15 on HB 439-FN-L.

HB 570, relative to licensure of guides by the fish and game department. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. Well, as a licensed guide myself, I'm happy to move that House Bill 570 Ought to Pass.

House Bill 570 exempts persons licensed as operators of for-hire vessels for recreational fishing in coastal and estuarine waters from requirements for licensure as a guide.

This bill was a request of the Fish and Game Department. The Department feels that requirements for persons licensed by the U.S. Coast Guard as operators of for-hire vessels is comparable and in some cases exceed the requirements needed to obtain a New Hampshire guide license.

So, please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 570. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Lambert asserts Rule 2-15 on HB 570.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 571 Ought to Pass. This bill is a request of the Fish and Game Department.

House Bill 571 revises criteria and fees for lobster and crab licenses issued by the Fish and Game Department. The bill also clarifies provisions for lobster tail processing permits and landing licenses for lobster and crab.

Please join the Energy and Natural Resources Committee in voting Ought to Pass on House Bill 571. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 80, relative to ranks in the division of state police. Ought to Pass, Vote 5-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move House Bill 80 Ought to Pass. House Bill 80 eliminates the rank of Corporal and the rank of Colonel within the Division of State Police.

The House amendment reflects the existence of seven troop commanders and assistant troop commanders instead of six, which is currently in statute. This bill is a housekeeping bill which cleans up current statute.

The ED&A Committee voted unanimously Ought to Pass, and therefore asks your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 88, relative to liquor enforcement and liquor licensing. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 88 Ought to Pass. House Bill 88 repeals the transfers to the Department of Safety of liquor enforcement, liquor licensing, and education. Over the past three years there have been two study committees which have addressed this issue, and the outcome of both of those study committees have been the same, that being: It is in the best interest to keep the liquor enforcement unit within the liquor commission. This recommendation is supported by the Chiefs of Police Association, the Department of Safety, as well as license holders within the state.

The ED&A Committee voted favorably 4-0 Ought to Pass and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 136-FN, repealing the uniform athlete agents act. Ought to Pass, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 136-FN Ought to Pass. 136-FN repeals the uniform athletic agents act.

Last year, the House ED&A Licensing Subcommittee viewed all licensing professions, and this was one that the Committee agreed was not necessary. HB 136-FN eliminates the demand for licensing of uniform athletic agents.

The Senate ED&A Committee voted in favor of the motion Ought to Pass, and we therefore ask for your support in its adoption. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition to the Ought to Pass motion.

This bill was – actually, I sponsored this bill in the last session of the Legislature, and the bill has merit. And, the merit is, I don't care if we only have five or six people that are seeking an agent; those five or six people will benefit from that. And, you look at the history of athletes and how they have been treated, you can understand why an agent is necessary in order to protect that athlete and protect the limited lifespan that an athlete has as they move into the professional ranks.

Now, why, after just a couple of years, we're repealing this piece of legislation, is really baffling to me. We've had – I can think of athletes that I have either coached or been associated with: Michael Flanagan, who went on to play for the Orioles; Chris Carpenter, who plays for the St. Louis Cardinals; another young man from Trinity High School who became a pro and played for the Pittsburgh Pirates. So, we've had a number of these athletes. And, think of the athletes that are at the University of New Hampshire; we had four kids already who went from our hockey team to the AHL and to the NHL in just this year.

So, it's an important situation; they need representation. I cannot understand why we'd repeal this. I mean, it just doesn't make any sense to me. If we're going to protect these athletes, we ought to give them a methodology or a way to get that protection. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. D'Allesandro.)

SENATOR BARNES: Thank you, Mister President. Senator D'Allesandro, did you go to the Committee and testify?

SENATOR D'ALLESANDRO: I did not go to the Committee and testify. Probably a violent error on my part, but I must have been busy doing something else. But, I didn't get there.

SENATOR BARNES: Thank you, Senator.

(The Chair recognized Sen. Prescott for a question of Sen. Carson.)

SENATOR PRESCOTT: Senator Carson, there's been a question raised by Senator D'Allesandro: Is there protection for those that wish to have representation as an athlete – you know, get an agent. And, I understand the concerns that Senator D'Allesandro has, and if you have an answer to that, I'd appreciate it.

SENATOR CARSON: No, I do not have an answer to that. As the Committee heard the testimony, of course we listened, there was only two people – one person that actually spoke against the repeal. We just felt that there wasn't a need for this, that there are so few that it just was not necessary, and that's why we voted the way that we did.

Sen. Prescott moved to Lay on the Table HB 136-FN. Adopted.

HB 231-FN, relative to payment of medical benefits for state retirees, their spouses, and dependents. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 231-FN Inexpedient to Legislate. House Bill 231-FN provides that the payment by the State of New Hampshire for the premium for medical benefits for state retirees, their spouses, and dependents, shall be subject to a limit on total state general fund cost.

House Bill 231 would require the Commissioner of the Department of Administrative Services to change the insurance benefits structure for retired state employees in order to save monies in the general fund costs by streamlining their benefit package. This bill, as proposed by the House, proposes cuts which effectively put retirees significantly into harm's way, the ramifications of which are not yet known. We should not place on the shoulders of loyal state employees this unfair and unequal tax.

For these reasons, the ED&A Committee voted unanimously 5-0 to ITL House Bill 231-FN and asks for your support in its adoption. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I think it's important to note that this bill is part of the House budget; I think it might also be contained – or parts of this language may be contained in another bill. And, when we heard this bill in ED&A, we definitely understand the necessity of fiscal prudence given the situation we're in. But, we also

tried to apply the same ED&A Committee principles that we did to SB 3, the pension bill, which was that retirees in the budget process need to shoulder the least changes and the least burden of any population in the State of New Hampshire as we address our budget situation. And, we felt that HB 231 was a little bit over the line in that it had a hard cap of \$27.5 million applied to medical benefits. And, we heard testimony from department heads that backed into certain numbers in terms of deductibles and co-pays that were going to be potentially Draconian.

But, having said that, it's also important to note that the concept that there's going to have to be some changes is a valid concept. The Governor's budget contained a provision that retirees under the age of 65 would move from paying \$65 a month to \$100 a month, and that's a potential solution as we consider our own budget.

In addition, I believe that we're going to have to do something that bends the cost curve for retiree healthcare; and by that I mean, we have to involve the retirees themselves in the decision-making around their own healthcare, because we are on an unsustainable glide path, and sooner or later, change is going to be made that may be fairly unpalatable if we don't head in that direction. So, that could mean maybe us steering toward generic drugs over name brand, or it could be through the use of co-pays to encourage primary care physicians instead of specialists; it could take a lot of different factors.

So, I just think it's important to note, in summary, Mister President, that the concepts of "something has to be done" are still valid. Even though this is a unanimous recommendation of the ED&A Committee to ITL this bill, because we felt it maybe wasn't as well thought out as it needs to be, the fact of the matter is that the day of reckoning on retiree healthcare is fast approaching, and measures are going to have to be taken to, again, put this on a sustainable course for both the taxpayers and for the retirees for predictability and so forth. And so, I just wanted to add that so that you understood our line of thinking in how we handled this bill.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. And, thank you, Senator White; you've covered just about every position that I wanted to cover. But, let me put some clarity for the budget position in this. And, there's no lock on party on this issue; I think the Senate's going to create a position on this that's the Senate's position, and I do believe this is a shortfall in our budget that we got from the House. This is about a \$30 million issue, and as Senator White said, that was with the Governor increasing it from \$65 to \$100. So, with that being done, you still have a \$30 million issue in our budget right now that we have to deal with. We have asked Admin. Services, when they present on Friday this week in Finance, to present plans that we can possibly put in place to do exactly what Senator White is asking for. That is going to be a tough number in this budget; I think the Senate's position is, they're going to fill that hole. And, I think we want to put a plan in place, and I'm willing to listen to the Senators on that. But, I just want to make it perfectly clear that we are creating a Senate position today; I intend to remove this from HB 2 this afternoon if the Committee will go with me, because this is in HB 2, and the reality is, we have a \$30 million hole to fill. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the committee recommendation. Both Senator White and Senator

Morse have articulated very significant issues, and issues that we have to grapple with. But, arbitrarily picking a number and saying if you exceed that number, everybody is thrown to the wolves, is idiotic in my opinion. That, to me, that's the height of hypocrisy.

So, we will deal with it; we have to deal with it. It's not the only thing we're going to deal with; we have to deal with a number of things. But, I think sensible thought, bringing in Admin. Services and asking them: "What can be done?" This is not only a question of containing the cost in terms of the money that's paid by the employee. What about the real issue? And, the real issue is healthcare costs, and how you contain healthcare costs, and the rising cost that the insurance companies bring forward repeatedly. Those costs drive the machine. And, when you look at a situation like appeared on CNN, when you go to one institution for an appendectomy and it costs \$1,500, and you go to another one where it costs \$400, does that mean that that \$400 appendectomy is less successful than the \$1,500 one? You know, I don't think you ask when you go someplace: "What's the story on this? Am I going to be successful?" You go!

So, I think those things have to be looked at in totality. And, we fail to do that; sometimes we fail to do that in this process. That's why I support this legislation; I commend Senator Carson and her committee for realistically looking at something that makes sense and recognizing the fact that we have to deal with it going forward. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Houde, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. Ought to Pass, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move House Bill 339-FN-A Ought to Pass. HB 339-FN-A allows a state veterinarian to employ a meat inspection services administrator that establishes a meat inspection program fund and makes an appropriation to such fund.

Other than the single USDA-approved federal meat inspection site in the State of New Hampshire, there has been no other way for New Hampshire farmers to get their meat inspected since the early 1970s. Consequently, farmers have been unable to sell their meat in the New Hampshire commercial market. This limits the state's opportunity for agricultural growth. This bill is a win-win for consumers and restaurants in New Hampshire, where there is a growing interest in locally-grown and healthy food. And, on a personal note, my wife and I just went to a Manchester restaurant who will benefit from this legislation.

The ED&A Committee voted in favor 4-0 Ought to Pass on HB 339-FN-A and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

April 7, 2011

2011-1370s

10/05

Amendment to HB 464-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR GROEN: Thank you, Mister President. I move House Bill 464-FN Ought to Pass as Amended. House Bill 464-FN requires the state retirement system to transfer \$89 million from group II special account to the state annuity accumulation fund.

In December of 2010, \$89 million was transferred from the medical sub-trust for group II to the special account by the retirement board. By doing this, the monies transferred would make available to group II members monies needed for COLAs. No other groups have monies available for COLAs. This bill also mirrors the transfer of \$250 million in like manner in the previous session. The amendment brought in by the Senate changes only the effective date to "upon passage".

The Senate ED&A Committee voted in favor of the motion Ought to Pass as Amended, and we therefore ask for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I simply rise to oppose this. I do sit on ED&A Committee and was not in attendance at the vote due to a bill being up of my own in the House. But, had I been there, I would have been the one vote voting "no".

This is, again, the transfer of \$89 million to the corpus of the retirement account, meaning that there will be no hope of cost of living adjustments for folks for many years to come. This, as we recall, was debated in Senate Bill 3, and is an issue which I believe will cause hardship to those who are in the retirement system, not having any chance of a cost of living increase, and that this \$89 million is an important element in that the members paid into this what was part of gain-sharing, but it was a member pay that caused gains to occur, as well as an employer pay. We are now transferring all of those funds into offsetting the costs of employers' increases in the future. And, this is why I would be opposing House Bill 464.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I just rise to remind the body that this was done with \$250 million in House Bill 1645 in 2008; it was done for the same reason as this is being done today: because the medical subsidy is now an employer responsibility. I urge passage of this bill for consistency and to also rebalance the obligations of the pension fund.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan. Ought to Pass, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move House Bill 491-FN Ought to Pass. HB 491-FN repeals the statute requiring divestiture of retirement system assets relating to Sudan. This bill complicates the investment decisions of both the New Hampshire retirement system and the Judicial retirement system. The New Hampshire retirement system has stated that this bill would enable them to save money it would otherwise have to spend to monitor Sudan-related securities.

The Senate ED&A Committee feels that it should be left to the retirement system to be able to invest as they see fit in order to receive the best returns. And, this has been shown in the investment community, that socially conscious investing consistently underperforms the market.

The Senate ED&A Committee voted in favor Ought to Pass on HB 491, and therefore we ask for your support for its adoption.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

HB 111, relative to redispensing unused drugs. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 111 Ought to Pass. House Bill 111 simply adds manufacturers' samples to a range of drugs to be redistributed in the current donation program for unused prescription drugs.

Please join the Health and Human Services and Ought to Pass House Bill 111. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 191, relative to the community mental health system. Ought to Pass, Vote 4-1. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 191 Ought to Pass. House Bill 191 implements recommendations of the Office of Legislative Budget Assistant's 2010 performance audit report of the New Hampshire community health system.

Under current law, mental health centers must provide services to the severely mentally disabled whether the individual can afford it or not. The language in House Bill 191 will balance the need of the individuals and the resources of the facilities by allowing service providers to prioritize care for this based on a thorough clinical assessment. House Bill 191 will give mental health service providers control over how their services are accessed in order to create a level of predictability in their budgets.

The Health and Human Services Committee recommends House Bill 191 Ought to Pass and asks for your support.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in caution over House Bill 191. For me, the caution is more relative to the concept which is what we need to do with this very difficult budget cycle and looking at our capacity to prioritize and try and deal with a very difficult budget. I am, however, concerned with the potential of expense or unfunded mandates, and respectfully request your consideration to send this to Finance if it does pass.

PRESIDENT BRAGDON: Thank you, Senator Sanborn. This will be going to Finance should it pass.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I also rise in support of this being a consideration. House Bill 191 appears to triage some of our mental health needs, or allow for that, and I do think it is something which we're going to have to take into account in our budget. The shocking kind of numbers that even one community behavioral health association acknowledges losing in a year, you know, ranging between \$500, \$600,000, \$750,000 in reductions that they have to accommodate when we know that the community is out there and in need is one which I think we have to pay real attention to. So, I am glad that this is going to Finance, and I think it is an important issue for us to take careful consideration of. Thanks.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the legislation. In Senator Morse's list of recommended readings, one is the Legislative Budget Office analysis of the mental health situation – wonderful reading. He said: "Over the weekend, digest this, so that we can carry it forward." My recommended reading indicates there were a series of things that needed to be taken care of, and that if they were implemented, we would arrive at savings – we'd arrive at better service and we'd arrive at savings. So, I think this is a movement along that path, and I suggest that recommended reading assignment for everybody. It's a wonderful piece of literature, and it's paid for, so there's no cost to anybody; it's a no-cost item, and you can get it at the Legislative Budget Office. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 289, relative to procedures followed by funeral directors. Ought to Pass, Vote 3-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you again, Mister President. I move that House Bill 289 Ought to Pass. The intent of House Bill 289 is to clarify and strengthen procedures to be followed by funeral directors when releasing custody and control of a body. It also eliminates the requirement of the board of funeral directors to attend educational meetings.

The New Hampshire Funeral Directors Association requested this bill in order to address issues of missing relatives, uncooperative relatives, homicides, representation and identification of relatives, and unclaimed remains.

So, please join the Health and Human Services Committee in voting Ought to Pass on House Bill 289. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 364, relative to the membership of the state committee on aging. Ought to Pass, Vote 3-0. Senator Kelly for the committee.

SENATOR KELLY: Thank you, Mister President. I move HB 364 Ought to Pass. House Bill 364 is a housekeeping bill that clarifies the membership and the duties of the state committee on aging.

House Bill 364 removes the requirement for political parity in the Governor's appointees to this apolitical volunteer committee. It also amends the duties to better reflect the full scope of the actions and responsibilities of the committee on aging.

Please join the Health and Human Services Committee in voting Ought to Pass on House Bill 364. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move House Joint Resolution 3 Ought to Pass. HJR 3 enforces a JLCAR ruling that prohibits the implementation of rules of the board of mental health practice relating to authority of the board to subpoena and examine records and other documents in violation of the licensee-client privilege and to forward communications of alleged misconduct.

Currently, the board of mental health practices will acquire a patient's record without his or her knowledge and use it in an investigation. The board does not redact the names of the patients from the records during this investigation. These records have been kept in archives for up to two decades with all the information intact. This is a clear violation of state law and HIPAA laws. HJR 3 will ensure that the board no longer violates confidentiality during its investigations.

The Health and Human Services Committee recommends House Joint Resolution 3 Ought to Pass and asks for your support. Thank you.

Recess. Out of recess.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I would just add to the remarks of Senator Sanborn that when this resolution was introduced, there was a provision in it that indicated that the General Court would be proposing legislation to clarify the board of mental health practice authority under RSA 330, and that legislation has been retained in the House.

And, I would further add that in discussions with the Director of the Office of Legislative Services this morning, because there was some question about the 90-day window, could these rules go into effect, the Director assured us that she can waive that 90-day provision given the lateness that the Senate received it. And so, our intent is making sure that the confidentiality of patients' records will be protected and the board of mental health will clearly, under the waiver, have to comply with HJR 3.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: Senator Bradley, so it is your understanding that this HJR 3 will, in effect, waive the 90-day requirement of JLCAR, within which it can suspend a rule, so that the 90 days is longer than 90 days as might appear on our docket? It's your understanding that this waiver from the Legislative Services Director is in effect, and the 90 days does not apply to HJR 3?

SENATOR BRADLEY: Yes, Senator Larsen, that's my understanding. And, it's only a matter of a few days anyway, only necessitated by the fact that we didn't meet last week. But, when Director Holahan signed that waiver, it's in effect, and so we have ample opportunity, at your request, that we do this in regular order on the Calendar in its regular format, which we are now obviously doing.

SENATOR LARSEN: And, we thank you for not changing procedure to the extent that might have been necessitated and taking it up in the regular session.

SENATOR BRADLEY: And, I think we thank you and all of the members of JLCAR who have worked really hard to protect the confidentiality and the privacy of people, that when they go to their physicians for these services, that they should know that it's akin to an attorney-client privilege and it will be protected. And, thank you for your help in making sure that we do in fact protect it.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I'd like to speak on this topic. We did have concerns based on the Chair of the board of mental health practice's testimony. There were points made about whether the board would have subpoena power for licensing boards. And, we've been advised that the board will continue to have that subpoena power, even with passage of HJR 3. The language in page two, lines 4 through 6, that say, "The board of mental health practice shall not enforce a statute in such a way as to violate the licensee/client privilege"; that can coexist with subpoena power is my understanding. So, there is no issue of subpoena power. And, it is my understanding that this HJR seeks to reinforce the important client/licensee privilege such that people's personal privacy is respected and protected, and we will be encouraging – it was my understanding, through this – that materials that are kept, particularly for long periods of time, have redacted the private names of individuals and their personal information.

So, that's my understanding of HJR 3 in that it does not in fact hamper the board's ability to take action in disciplinary investigations during the process, that they will need to readdress rulemaking in certain areas. So, we thank you for this discussion, and I think we've covered the ability of the board to continue to oversee the practice of mental health practitioners and continue their disciplinary investigation as needed. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 79, relative to certification of dogs for law enforcement work. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass on House Bill 79. This legislation allows dogs to be certified for law enforcement work by the New England State Police Administrators Compact, or "NESPAC". The legislation merely extends to NESPAC certified dogs and handlers the same protections provided to nationally recognized training organizations.

The Judiciary Committee recommends that House Bill 79 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 535, relative to the committee to study parole boards and parole board procedures. Ought to Pass, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass on House Bill 535. This legislation continues a study begun last year

looking at the parole board and their procedures. The committee ran out of time prior to finishing their task and have asked for a few extra months to complete their work.

The Judiciary Committee recommends that House Bill 535 be adopted and welcomes your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

HB 70, relative to changes to town charters. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

Public and Municipal Affairs

March 29, 2011

2011-1265s

06/01

Amendment to HB 70

Amend the bill by replacing section 1 with the following:

1 Changes to Town Charters; Approval and Review. Amend RSA 49-B:5-a, I(c) to read as follows:

(c) *Within 14 days of receipt of such report the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of its receipt.* Within 30 days of the receipt of said report [by] the secretary of state, attorney general, and the commissioner of the department of revenue administration[~~they~~] shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 70 Ought to Pass with Amendment. This bill requires the Secretary of State, the Attorney General, and the Commissioner of the Department of Revenue Administration to notify any municipality of a receipt of a report relative to its new, amended, or revised charter.

This bill was filed on behalf of the Town of Derry, who had made changes to its town charter, submitted required documentation to the Attorney General's Office, and learned at the eleventh hour that the documentation had been misplaced. As of this time, with approximately \$30,000 in expenditures and thousands of man hours volunteered on the charter commission, the Town and its citizens have yet to be able to vote on the ballot question. Committee members sought to ensure municipality notification by requiring the method of notification to be in writing.

The Public and Municipal Affairs Committee recommends House Bill 70 be adopted as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 106, relative to filing for town offices. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 106 Ought to Pass. This bill requires that candidates for town offices who file on the last day of the filing period do so in person.

The proposal was introduced out of concern that an individual who files for town office by either telephone or fax might be able to represent him or herself as being someone else. The bill originally required all candidates to file in person. The House Election Law Committee had amended the proposal to require only those filing on the last day of the filing period to do so in person.

The Public and Municipal Affairs Committee recommends House Bill 106 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 155, relative to permits to conduct raffles. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Public and Municipal Affairs

March 29, 2011

2011-1266s

05/03

Amendment to HB 155

Amend the bill by replacing section 1 with the following:

1 Raffles; Expiration of Permit. Amend RSA 287-A:7 to read as follows:
287-A:7 Permit Required. Any charitable organization desiring to conduct a raffle under the provisions of this chapter shall first obtain a permit therefor from the selectmen *or designee* of the town, or the mayor and aldermen *or designee* of the city where the drawing for prizes is to be held. *Except as otherwise provided in this section*, the permit shall expire at the time of the drawing[,] and shall not be transferable. *At the request of the charitable organization to conduct more than one raffle, the governing body may extend the permit to one year from the date of issuance.*

2011-1266s

AMENDED ANALYSIS

This bill permits a municipality to issue a raffle permit that expires one year from the date of issuance rather than on the date of the raffle.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 155 Ought to Pass as Amended. This bill permits a municipality to issue any charitable organization a raffle permit that expires one year from the date of issuance rather than on the date of the raffle.

Committee members amended the original bill to enable cities and towns the opportunity to decide on the length of the permit up to one year.

Public and Municipal Affairs Committee recommends House Bill 155 be adopted as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining. Ought to Pass with Amendment, Vote 3-2. Senator Merrill for the committee.

Public and Municipal Affairs**April 6, 2011****2011-1360s****06/03****Amendment to HB 185-FN**

Amend the bill by replacing section 1 with the following:

1 Determining Bargaining Unit. Amend RSA 273-A:8, I to read as follows:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

(a) Employees with the same conditions of employment;

(b) Employees with a history of workable and acceptable collective negotiations;

(c) Employees in the same historic craft or profession;

(d) Employees functioning within the same organizational unit.

~~[A public employer may recognize a bargaining unit with 3-10 members, but]~~ In no case shall the board certify a bargaining unit of fewer than 10 employees with the same community of interest without the prior approval of the governing body of the public employer. For purposes of this section, probationary employees shall be counted to satisfy the employee minimum number requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 185 Ought to Pass with Amendment. HB 185 as introduced would have repealed legislation passed in 2008 dealing with the minimum number of local public employees necessary to form a collective bargaining unit.

Before 2008, RSA 273-A:8 prohibited certification of units under ten members. The 2008 legislation extended authorization for certification of units numbering three to nine, but only with the approval of the municipal governing body. The Committee received no testimony indicating that that change had created any problems for municipalities.

The majority of the Committee agreed that municipalities should be able to exert local control in making decisions about acceptable collective bargaining unit size for their public employees. Thus, HB 185 was amended to allow collective bargaining units of under ten members as long as the governing body approves.

Please support the majority recommendation of the Public and Municipal Affairs Committee and vote Ought to Pass with Amendment on House Bill 185. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Forrester, Houde, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

The following Senators voted No: Gallus, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

Yeas: 7 - Nays: 17

Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 186-FN, relative to the definition of political communication. Re-refer to committee, Vote 5-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 186-FN be Re-referred to committee. This bill seeks to eliminate the term "implicitly" from the definition of political advertising in RSA 664:2. A court decision from the U.S. District Court, *Stenson v. McLaughlin*, in August, 2001, ruled the term overly broad and unenforceable. The Attorney General's Office explained if a complaint is made on implicit advertising, its office refers to the *Stenson* Case. However, the Committee heard testimony that the courts have made a distinction between content and disclosure. The *Stenson* Case never dealt with that distinction.

With the Committee's desire to protect political advertising disclosure laws and because there are numerous references to political advertising throughout many different statutes, the Committee finds it's prudent to take a stronger look at this issue. We therefore recommend House Bill 186-FN be Re-referred to committee and ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 368-FN-L, relative to workforce housing and the definition of community. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move House Bill 368-FN-L Inexpedient to Legislate. This bill permits municipalities to decide whether or not to approve workforce housing within their community.

The prime sponsor of the bill described workforce housing as a subdivision regulation that allows a builder to circumvent all planning and zoning ordinances, as well as impact fees of a community. Other testimony sought to assure Committee members that the current workforce housing law simply requires a community provide a reasonable opportunity for such housing; it doesn't obligate a town to ensure affordable housing.

There are plenty of opportunities for local control in the current law. Many municipalities have placed unnecessary and restrictive regulatory barriers to the development of workforce housing. In many communities, the market clearly exists for this type of housing, but municipalities are zoning it out. Current law succeeds in establishing a reasonable framework for communities to provide workforce housing while at the same time balancing certain market conditions.

The current statute was developed as a result of a decade's worth of work, including a series of study committees and commissions. The Committee believes it is too premature to make changes to the current statute, which was enacted in 2008. For these reasons, the Public and Municipal Affairs Committee recommends House Bill 368-FN-L be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. The Committee did a great job on this, and they did the right thing. And, I think Senator Stiles might have alluded to the main reason, I think, that the Committee did what we did. The sponsor worked very hard on this bill, but the

bottom line is, this has only been in effect for a little over a year. And, the Committee heard a lot of testimony, and my good friend, Senator Larsen, was the mother of this bill a couple of years back when it came in front of Municipal and County. And, it had been around for about ten years before that. You used to have to shave it before it came to committee, it was getting so old. But, it's in place; let's see what happens with it. You like that one, right Jeb? A little aftershave lotion; we're all set. Okay. Clean up that smell from the toilet issue.

So, the Committee hopes that we can get the support, and I'm sure we will. It's a bill that's in place, and let's see what happens with it. And, a couple years from now, if it needs some tweaking, that can be done.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 444-FN, relative to the commemoration of General John Stark Day. Ought to Pass with Amendment, Vote 4-0. Senator Forrester for the committee.

Public and Municipal Affairs

April 6, 2011

2011-1361s

04/01

Amendment to HB 444-FN

Amend the bill by replacing section 1 with the following:

1 Observances Proclaimed by the Governor; General John Stark Day. Amend RSA 4:13-1 to read as follows:

4:13-1 General John Stark Day. The governor shall annually proclaim the fourth Monday in April as General John Stark Day ~~[and shall urge cities and towns throughout the state to observe this day]~~ in commemoration of General Stark's gallant and illustrious service to New Hampshire and his country. ***Schools are encouraged to commemorate the day with appropriate educational activities.***

2011-1361s

AMENDED ANALYSIS

This bill encourages schools to commemorate General John Stark Day with appropriate educational activities.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 444-FN Ought to Pass with Amendment. This bill would require the Governor to urge schools to commemorate General John Stark Day, the fourth Monday in April, with appropriate activities and events.

Sponsors of the bill expressed concern that details of the American Revolution were no longer being taught in our schools. They feel it is important to have a better history of those who founded our state and to recognize its historical figures.

Although the spirit of the bill is well-intended, the Committee suggested that it be amended to allow a city or town the opportunity to make an appropriate decision. The sponsors of the bill are in agreement with this amendment.

Therefore, the Public and Municipal Affairs Committee recommends House Bill 444-FN be adopted as amended and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. White for a question of Sen. Forrester.)

SENATOR WHITE: Would you describe this as a “special day” bill?

SENATOR FORRESTER: It’s a very “special day” bill.

(The Chair recognized Sen. White for a follow-up question of Sen. Forrester.)

SENATOR WHITE: Would you think one’s birthday is a special day?

SENATOR FORRESTER: I’m sorry; what’s the question?

SENATOR WHITE: Would you think one’s birthday is a special day?

SENATOR FORRESTER: Depending on whose birthday it is.

SENATOR WHITE: Happy Birthday.

SENATOR FORRESTER: Thank you.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you for letting me speak, Mister President. As we see over in the corner of our Senate floor here, we have a commemorative painting of Colonel John Stark concerning the Bunker Hill – the battle that we had. And, I think it’s really important to have that kind of history told, because I have a relative that was living in Raymond at the time of John Stark and the Bunker Hill Battle. And, he left his – maybe a 9-month-old son and his wife in Raymond and went to fight for freedom at Bunker Hill, and he passed away. He was, you know, commemorated there. And, that was my ancestor. So, I think it’s kind of nice to have this come before the Senate today. John Prescott, Jr. from Raymond. Thank you very much, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: I stand in support of this bill. I agree that I think many of us, adults and young people, have lost a grasp of the key history, especially the Revolutionary War. I served as a re-enactor – Revolutionary War re-enactor – and got a sense of that. And, another thing that’s significant about New Hampshire that a lot of people don’t realize is the first New Hampshire regiment, historic regiment – it was the longest-serving regiment in the Revolutionary War. There is so much history in this state, and it’s the key figures that have made history that we can’t lose grasp of, because they still – the principles that they fought for, that they stood for, we can learn from them today; it’s not dusty old history. So, I support this bill.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. And, not so that I’m outdone by any of my fellow Senators, but just to remind everyone that General Stark was a resident of my District: Derry, New Hampshire.

PRESIDENT BRAGDON: Thank you, Senator Rausch. And, I am sure that Senator Odell would want us all to know that yesterday, April 12th, marked the 150th anniversary of the first shots of the Civil War in 1861.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Barnes, seconded by Sen. Boutin.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D’Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. Inexpedient to Legislate, Vote 4-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 457 Inexpedient to Legislate. This bill lowers the interest rates applicable to late and delinquent property tax payments, subsequent payments, and other unpaid taxes enforced through the lien procedure.

With the prime rate close to zero, Committee members were urged to take another look at the 12 percent and 18 percent rates charged for late payment of property taxes. The original intent of these rates was to make the town or city whole if it could not collect taxes and had to borrow.

Various towns expressed serious concerns with budget impacts should these late payment rates decrease. And, this is very important: They explained that the various tools they utilize to work with individuals having difficulty paying their property taxes such as abatements, exemptions, and deferrals. Many city and town clerks sought to assure Committee members that the current late payment rates do encourage timely payment of taxes.

The Public and Municipal Affairs Committee recommends House Bill 457 be found Inexpedient to Legislate. And, in closing, it is very unusual when the sponsor of a bill comes before the Committee to talk on it that says: "I know it's going to be killed anyway, but I'm going to hear and introduce it." That doesn't happen too often. So, this gentleman knew ahead of time that his bill faced a tough road ahead. Thank you, and the communities, towns, and cities thank you for your vote on this.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

March 29, 2011

2011-1268s

10/01

Amendment to HB 622

Amend the title of the bill by replacing it with the following:

AN ACT relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities, and relative to the transition of the tax year for the town of Hampton.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Transition; Tax Year; Town of Hampton. Notwithstanding any general provisions of law to the contrary, the collection of taxes in the Town of Hampton shall be governed by the following provisions:

I. Taxes assessed as of April 1, 2012, shall be assessed for a single 18-month accounting period running from January 1, 2012 to June 30, 2013. The town shall budget receipts and expenditures, and raise and appropriate revenues, on the basis of a single, 18-month period. Taxes for

the 18-month period shall be paid as follows: On July 1, 2012, a payment on the taxes for said period shall be due and payable, which will equal 1/2 the amount of taxes paid on the 2011 assessment. A second payment shall be due and payable on or before December 1, 2012, which shall be equal to 2/3 of the 18-month assessment made on April 1, 2012, less the amount of the payment due July 1, 2012. The balance of the taxes due on the then current 18-month assessment shall be due and payable on or before July 1, 2013.

II. Taxes assessed as of April 1, 2013 and in all subsequent years shall be due and payable as follows: 1/2 on or before December 1st of each year thereafter, and 1/2 on or before July 1st of each year thereafter and the fiscal year of the town of Hampton shall thereafter be July 1st to the following June 30th.

III. Interest on taxes assessed in the Town of Hampton as provided in paragraph I shall be charged upon all taxes not paid on or before the due date as set forth in RSA 80, which shall be collected from that date with the taxes as incident thereto.

2011-1268s

AMENDED ANALYSIS

This bill allows for the adjustment in the method of calculating the partial payment of taxes related to an increase or decrease in local education taxes resulting from a change to the town's or city's adequate education grant or excess tax amount. The changes applies to both semi-annual and quarterly collection of taxes.

This bill also provides for an 18-month transitional budget period for the town of Hampton to change its tax year.

SENATOR STILES: Thank you, Mister President. I move House Bill 622 Ought to Pass with Amendment. This bill allows for the adjustment in the method of calculating the partial payment of taxes related to an increase or decrease in local education taxes resulting from a change to the town's or city's adequate education grant or excess tax amount. It takes what was put into session law in 1999 and places it into statute. It makes it available to municipalities on a permanent basis going forward. It is subject to review by the Department of Revenue Administration.

The bill also provides for an 18-month transitional budget period for the Town of Hampton to change its tax year. This will allow Hampton to have their fiscal year correspond to the State, enabling them to better plan for the funding of various programs. It involves no borrowing to facilitate the change and makes no reservation of a certain amount of unrestricted general funds.

Therefore, the Public and Municipal Affairs Committee recommends House Bill 622 be adopted as amended and asks for your support.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

WAYS AND MEANS

HB 36-FN-L, reducing the fee for copies of birth certificates. Ought to Pass, Vote 6-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move House Bill 36 Ought to Pass. This bill removes the fee increase for birth certificates that was passed in the 2010 Legislative Session and restores it to the previous amount of \$12.

The increase was instituted for the purpose of raising money for the general fund and did not reflect any increase in the cost of providing the service. The \$12 amount is more than sufficient to cover the actual cost of providing a birth certificate. This will have no effect on the amount to be deposited in the Vital Records Improvement Fund or on the amount retained by the town clerk; it only eliminates the general fund portion.

The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I support this piece of legislation, and obviously voted on it in Committee. However, after we take our vote on this, I'm going to be offering a tabled motion. And, I just want everyone to understand that I'm trying to be consistent in Finance.

In HB 2 that came over from the House, this was the only piece that wasn't included. They included it in section 457, meals and rooms operator fee, as a reduction; in 458, a pet store license fee: a reduction; in 459 and 60, condo fee and land sales, reduction; in 461, a marriage license fee: reduction. What they didn't include was House Bill 36. So, I will offer a table motion, and we will pick it up in HB 2 in the budget on the Senate side.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted.

Sen. Sanborn is in favor of the motion of Ought to Pass on HB 36-FN-L.

Sen. Morse moved to Lay on the Table HB 36-FN-L. Adopted.

Sen. Sanborn is in opposition to the motion to Lay on the Table HB 36-FN-L.

HB 229-FN-A, repealing the tax on gambling winnings. Ought to Pass, Vote 6-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 229 Ought to Pass. This repeals the tax on gambling winnings that was enacted as part of 2009 budget. You might also refer to this as the Senator D'Allesandro Job Recovery Act. The bill is nearly identical to Senate Bill 130, which was passed by this body last month. The only difference is that the effective date in this bill is two weeks after passage. This was done to provide the Lottery Director time to reprogram computers to prepare for the repeal of the tax.

The Ways and Means Committee recommends that this legislation be adopted and asks for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HOUSE MESSAGE

The Clerk read the following Message from the House:

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 16, relative to amendments to warrant articles.

Sen. Barnes moves concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

HB 46, relative to the membership of the current use advisory board.

HB 55, (New Title) adding members to the exotic aquatic weeds and species committee.

HB 63, extending the instream pilot program for one year.

HB 67, (New Title) expanding the duties of the school administrative unit legislative oversight committee and directing the committee to study the statewide consolidation of school administrative units.

HB 69, relative to the community college system of New Hampshire academic centers.

HB 70, relative to changes to town charters.

HB 79, relative to certification of dogs for law enforcement work.

HB 80, relative to ranks in the division of state police.

HB 88, relative to liquor enforcement and liquor licensing.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business.

HB 106, relative to filing for town offices.

HB 111, relative to redispensing unused drugs.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 142-FN, relative to sales of artificial flowers and miniature flags.

HB 155, relative to permits to conduct raffles.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 172, relative to transporting school children to school and school-supported activities.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining.

HB 206-FN, establishing an apprentice hunting license.

HB 229-FN-A, repealing the tax on gambling winnings.

HB 278, (New Title) setting the natural mean high water mark of Ossipee Lake.

HB 289, relative to procedures followed by funeral directors.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine.

HB 336, designating segments of the Mascoma River as a protected river.

HB 364, relative to the membership of the state committee on aging.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks.

HB 444-FN, relative to the commemoration of General John Stark Day.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 570, relative to licensure of guides by the fish and game department.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.

HB 622, (New Title) relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities, and relative to the transition of the tax year for the town of Hampton.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Carson: HB 69.

Sen. Lambert: HB 570.

Sen. Morse: HB 439-FN-L.

Sen. White: HB 95, HB 333-FN.

ANNOUNCEMENTS

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. It is with a heavy heart that I informed the caucus today of the death of two Londonderry residents in a tragic house fire. Mrs. Fran Gehling and her daughter died this morning. And, for me, it's especially meaningful, because I had a meeting in my District last evening, and she was there. And, we don't always agree, but we've always had spirited conversations, and at the end of the day we've shaken hands and we've agreed to disagree.

This is a tragedy for my community, and we will feel the loss of this wonderful woman and her daughter. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Really, a point of personal privilege, Mister President.

Mister President, on April 8th, Stewart Lamprey, former President of this Senate, was 90 years of age. And, I might say, Stewart is a Republican, and known to many of us in this body.

Stewart Lamprey was Speaker of the House of Representatives, President of the Senate, Under Secretary of Commerce, Co-Chair of the New England Regional Commission, and Chief of Staff to Governor Walter Peterson. Stewart Lamprey has had just a litany of successes as a legislator and as a concerned citizen of New Hampshire.

To the best of my knowledge, Mister President, Stewart is the oldest living survivor as President of the Senate. So, Stewart got to be 90. I was privileged to attend a gathering in Meredith for Stewart on Sunday, where his children, grandchildren, and friends were with him.

When I talk about Stewart Lamprey – and, as I say, Stewart's a Republican – but Stewart is the kind of human being that I think is a manifestation of what public service is all about. His work continues to this day; he's involved in his community of Moultonborough and very, very concerned about milfoil, obviously, that aquatic vascular plant that is growing extensively in our bodies of water.

But, Stewart placed public service at the highest pinnacle – the highest pinnacle. And, I'd like to read to you Stewart's resignation letter as President of the Senate, given on April 1, 1969, when he resigned from the Senate to become Under Secretary of Commerce.

To the Clerk, who was Wilmot S. White.: "Dear Mr. White,

Because of my pending appointment as Under Secretary of Commerce and Federal Co-Chairman of the New England Regional Commission, I hereby tender my resignation as President of the New Hampshire State Senate, effective at 5:00 p.m., Tuesday, April 1, 1969.

It is with deep regret that I shall be leaving the Presidency. However, I look forward to the challenge and the hope to be of greater service to the people of New Hampshire and all of New England.

I want to thank the Senate for the courtesy that it has shown me during these past four years and three months. I want to thank the offices, secretaries, attaches, for their loyalty and devotion to duty. I hope to be able to return at some future date and serve in a legislative capacity.

Sincerely, Stewart Lamprey, President."

Stewart Lamprey did return to become Chief of Staff for Governor Walter Peterson. And, at 90 years of age, Stewart is still extremely active, and, again, he's a real role model for all of us for the kind of service that he has given to the State of New Hampshire. Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Yes, I'd like a Rule 2-17, Mister President. Thank you very much for recognizing me. As well as, I'd like to ask leave of the Senate, Rule 2-1, to use an electronic device to read from, if I may.

PRESIDENT BRAGDON: Sure.

SENATOR PRESCOTT: Thank you very much, Mister President. I can easily email this to every member of the Senate. It is the Seacoast Job Fair. It is free; there is now more than 25 employers going to be there. It's at the Great Bay Community College a week from this Friday. So, if you know anybody of it and would like an email of this advertisement for the job fair, I'd be glad to send it off to you. It's very important for us in the Seacoast – Senator Stiles and Senator Merrill – to get together and help out with our community, and we would like to have you guys – part of the Senate here – advertise it if you would, please; it'd be great. Thank you very much, Mister President. April 22nd; next Friday. Thank you very much.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I'd like to exercise a Rule 2-17. Thank you. Due to the table motion, there wasn't a chance to

speak to 542, so I would like to just address that very quickly, that the table motion was a motion that was made in order to give us time to next year present a similar bill that would reinforce parental rights. That's certainly a very important bill that was put forward, that parents need to be able to have the right to pull their kid out of a program or a school that they're conscientiously opposed to; we heard numerous testimonies to that fact. But, there were some concerns about the bill, so I look forward to working with my good friends on the Education Committee, especially Senator Stiles and Senator Carson, to bring a bill forward next year. Thank you.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I would like it if you would ask the Chief of Staff to stand up, please.

PRESIDENT BRAGDON: Would the Chief of Staff please stand?

SENATOR BARNES: Maybe he could go to the front of the room and announce why he's dressed the way he is.

PRESIDENT BRAGDON: Chief of Staff, why are you dressed the way you are? Why is this day any different than any other? I will explain that the Chief of Staff is wearing a kilt today because it is Tartan Day in the Legislature, and those of Scottish heritage tend to dress differently.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much. I'd just like to take this opportunity to welcome another group of students from the Crescent Lake School. As I told the first group of students, my youngest son graduated from the Crescent Lake School in its first year, so continue on with a good tradition. Thank you for being here today.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. Senate Finance will meet at 1:00 to review House Bill 2. I'd like to just point out something – so I'll use both things; I'll make an announcement and a 2-17.

I'd like to point out that there's over \$200 million worth of issues to deal with from the budget that came from the House; they're real issues. Retirees' healthcare was one today, of \$30 million. Uncompensated care to the hospitals is \$100 million-plus. Mental health is \$26 million. The DD waitlist is over \$20 million, and we still have to deal with disabilities, which the Senate has spoken highly that they want to return \$20 million to. So, there's over \$200 million just in those numbers. So, as we go through HB 2 this afternoon to clarify the Senate's position, I want the Senate to understand the enormous task before them in putting this budget together and making this budget balance at \$4.4 billion in general funds. It's difficult; it's enormous, and the House has left some things on the table that need to be dealt with. So, as you all want to talk about the budget, please come to the Finance meetings. We're meeting three days a week as is; this is our fourth one this week. We want to hear from you. So, thank you.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing

legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 18, deleting a function of the central tax services unit.

SB 25, relative to the Connecticut River Valley resource commission.

SB 26, establishing a committee to study the classification of motor vehicles.

SB 29, relative to the definition of "moped" and relative to motorcycle endorsements.

SB 31, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age.

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax.

SB 43, making a technical correction to the tobacco tax laws.

SB 60, relative to the definition of commercial motor vehicle.

SB 85, naming a bay in the town of Meredith Johnson Bay.

SB 140-FN, relative to the disposition of military justice fines.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. (Judiciary Committee.)

HB 131, relative to indemnification of volunteers performing duties in the state park system. (Judiciary Committee.)

HB 141, relative to protected utility services. (Judiciary Committee.)

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute. (Judiciary Committee.)

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil. (Judiciary Committee.)

April 4, 2011
2011-1337-EBA
04/01

Enrolled Bill Amendment to SB 174

The Committee on Enrolled Bills to which was referred SB 174

AN ACT relative to the Concord regional solid waste/resource recovery cooperative.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 174

This enrolled bill amendment makes a typographical correction and inserts an omitted word.

Enrolled Bill Amendment to SB 174

Amend section 1 of the bill by replacing line 13 with the following:

Formation of the Concord Regional Solid Waste/Resource Recovery Cooperative," dated January 16,

Amend section 1 of the bill by replacing line 15 with the following:

Solid Waste/Resource Recovery Cooperative," dated January 22, 2009 hereinafter collectively referred

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 4, 2011

2011-1332-EBA

04/01

Enrolled Bill Amendment to HB 288-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 288-FN-LOCAL

AN ACT relative to payment for election services to unincorporated places.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 288-FN-LOCAL

This enrolled bill amendment corrects the title of the bill.

Enrolled Bill Amendment to HB 288-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT relative to payment for election services by unincorporated places.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 32, relative to statutory references to the choice and duties of town auditors.

HB 45, relative to the Connecticut Lakes headwater citizens committee.

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 192, relative to commercial motor vehicle registration.

HB 195, relative to special permits for transportation of deer.

HB 363, relative to Depot Street in the town of Andover.

HB 399, relative to nonresident registration of motor vehicles.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee.

HB 441, relative to muffling devices on boats.

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C.

SB 15, relative to the duties of tax collectors and clerks.

SB 112, relative to the membership on the advanced manufacturing education advisory council.

SB 127, relative to the city of Manchester's contributory retirement system.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

April 20, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditation and prayer.

Well, in the past few days, we have celebrated both Judaism's feast of Passover and Christianity's Palm Sunday. And, at the center of both of these holy days is an occasion when God asked somebody to do something, and in spite of human doubt and resistance and plenty of apparently good reasons to say no, in both cases, the answer was yes.

Moses argued that he was not qualified to lead the Israelites out of Egypt into freedom, but he did it. And, centuries later, an unnamed citizen of Bethphage, when told that the Lord needed his donkeys, immediately handed them over, enabling Jesus to make his triumphant entry into Jerusalem just a few days before his arrest and his crucifixion.

Well, it wasn't only 2,000-plus years ago that God made requests of humanity; God is still calling us to take on responsibilities for one another and for the world that we live in. And, we can always think of excuses to say no, but remarkable things happen when we say yes.

This prayer is about 100 years old, but it's timeless. Let us pray.

O, Lord God, Who called Your servants to ventures of which we cannot see the ending, by paths as yet untrodden, through perils unknown, give us faith to go out with a good courage, not knowing where we are going, but only that Your hand is leading us, and Your love supporting us, to the glory of Your name. Amen.

Sen. Boutin led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I would like to introduce Joshua Rupp from Belmont. Joshua is the son of our IT Director, so the apple doesn't fall far from the tree. He's 15 years old, grade nine, and strangely enough he's interested in computer topics. He also is – even though he's only in ninth grade, he is in AP science studying biology, so that's pretty amazing. He's active in cross country, New Hampshire Destination Imagination, and occasionally the drama club. And, I won't hold this against him, but he's looking to potentially join the Marine Corps instead of the Air Force. But, Semper Fi, Joshua, and welcome.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. Today I'm very honored and delighted that in the gallery to see us today is my niece, Kerin Braudaway, from Virginia, although she was born and grew up and had a couple of years in New Hampshire. She is here with her family, and they are exploring their roots in Amherst and Milford and around the State of New Hampshire.

PRESIDENT BRAGDON: That would be District 11, I might add.

SENATOR ODELL: That would be District 11, sir; yes. And, we've connected the Bragdens and the Odells as we've done many times here before. With Kerin is her husband, Wes, and her two sons, Tom and Ben. They live in Virginia. And, this is a very special family. They have another brother, James, who's at James Madison University and not on this trip. But, the three sons: three Boy Scouts, three Eagle Scouts, one family. Great job. So, please welcome them.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 262-FN, HB 451-FN, HB 474-FN, HB 483-FN-L, HB 609-FN, HB 621-FN-L.

COMMITTEE REPORTS

COMMERCE

HB 143, relative to the sale of stove polish. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 143 Ought to Pass. House Bill 143 repeals the prohibition on the sale of stove polish and related compounds used as polishes.

The Committee received testimony that these stove polishes were initially prohibited due to the flammable nature of the products. Now, flammable stove polish is no longer sold, so there's no need for this statute.

Please join the Commerce Committee in their unanimous vote of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 262-FN, relative to beverage manufacturers. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 262-FN Ought to Pass. This bill establishes a nanobrewery license for businesses that manufacture up to 2,000 barrels of beer or specialty beer annually, and eliminates the quality restrictions on sales by beverage manufacturers to the general public.

The goal of House Bill 262-FN is to allow a small operator-manufacturer to enter the market while maintaining public safety, public health, and revenue controls. Please join the Commerce Committee in their unanimous vote of Ought to Pass. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. De Blois.)

SENATOR BARNES: Thank you, Mister President.

SENATOR DE BLOIS: Don't make it too hard.

SENATOR BARNES: No, it's rather a softball. Does this mean if I vote for this that there's a possibility of Schlitz being re-brewed here in New Hampshire?

SENATOR DE BLOIS: Is the name available? It may be.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. Ought to Pass with Amendment, Vote 4-1. Senator Prescott for the committee.

Commerce
April 12, 2011
2011-1403s
06/01

Amendment to HB 474-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to freedom of choice on whether to join a labor union.

Amend the bill by replacing all after the enacting clause with the following:

1 Name of Act. It is the intent of the general court that this act be known as "The Franklin A. Partin Jr. Right to Work Act."

2 New Chapter; Right to Work Act. Amend RSA by inserting after chapter 273-C the following new chapter:

CHAPTER 273-D

RIGHT TO WORK ACT

273-D:1 Short Title. This act may be cited as the "Right to Work Act."

273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in order to maximize individual freedom of choice in the pursuit of employment and to encourage an employment climate conducive to economic growth, that all persons shall have, and shall be protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or assist labor organizations, or to refrain from any such activity.

273-D:3 Definitions. In this chapter:

I. "Employer" means any individual, corporation, association, organization, or entity that employs one or more persons. The term includes, but is not limited to, the state of New Hampshire and its agencies, every district, board, commission, instrumentality, or other unit whose governing body exercises similar governmental powers. The term "employer" includes, but is not limited to, employers of agricultural labor.

II. "Labor organization" means any organization of any kind, or agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other conditions of employment.

273-D:4 Freedom of Choice Guaranteed, Discrimination Prohibited. No person shall be required, as a condition of employment or continuation of employment:

I. To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

II. To become or remain a member of a labor organization;

III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization; or

V. To be recommended, approved, referred, or cleared by or through a labor organization.

273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges, to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation 30 days in advance of its effective date. Every employer who receives such an authorization from an employee shall have a duty to promptly notify that employee in writing that the employee may revoke an authorization at any time by giving the employer 30 days written notice.

273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal. Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by the provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement prohibited under this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep continuously displayed the following notice at such a place or places in the business, establishment, or premises where it may be readily seen by all employees, and it shall be the further duty of every employer to furnish a copy of such notice to each employee at the time the employee is hired:

EMPLOYEES FREEDOM OF CHOICE

Under the law of the state of New Hampshire, employees are protected in the exercise of their free choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not discharge or otherwise discriminate against an employee because of joining or refusing to join a labor union, or to pay dues, or other charges to a labor union.

273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or the employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.

273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an employer or labor organization, who directly or indirectly imposes upon any person any requirement prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days, or both.

273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or persons threatening violation, and may also recover any or all damages of any character, including costs and reasonable attorney fees, resulting from such violation or threatened violation, cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties and remedies prescribed in other provisions of this chapter.

273-D:11 Duty to Investigate. It shall be the duty of the attorney general and of each county attorney, to investigate any complaints of violation of this chapter, and to prosecute all persons violating any of its provisions, and to use all means at their command to insure effective enforcement of the provisions of this chapter.

273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered into on or after the effective date of this chapter and shall not apply to existing contracts, but shall apply to any renewal or extensions of such existing contracts.

273-D:13 Exceptions. The provisions of this chapter shall not apply:

- I. To employers and employees covered by the federal Railway Labor Act.
- II. To federal employers and employees.

III. To employers and employees on exclusive federal enclaves.

IV. Where they would otherwise conflict with, or be preempted by, federal law.

273-D:14 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Effective Date. This act shall take effect January 1, 2012.

2011-1403s

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

SENATOR PRESCOTT: Thank you, Mister President. I move House Bill 474-FN Ought to Pass with Amendment. The full Committee voted to remove two amendments to the House Bill 474 that could have had an adverse effect on collective bargaining. The full Committee then voted 4-1 recommending House Bill 474 Ought to Pass, a bill prohibiting payments to a union by nonmembers. Please join the Commerce Committee and vote Ought to Pass with Amendment on House Bill 474-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Stiles is in opposition to the adoption of the Committee Amendment.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to the committee recommendation; I was the one in the Commerce Committee against.

Senator, the introduction didn't talk a lot about the business aspects of this, but there has been talk about the pro-business components of Right to Work elsewhere, and so I wanted to put to rest any of those suggested reasons to support this bill.

States that have adopted Right to Work legislation have just not seen dramatic increases in job growth. And so, we asked why. Basically, because companies that are seeking cheap labor in a post-NAFTA era, are sending jobs to India, China, and Mexico, not Alabama and Mississippi. In fact, in Oklahoma, which was the last state to institute Right to Work legislation about ten years ago, the number of companies moving in actually declined by a third.

According to Bureau of Labor statistics, New Hampshire maintains the fourth-lowest unemployment rate in the country at 5.2 percent. The state's unemployment rate dropped again in March, resulting in 10,000 fewer unemployed residents than at the same time a year ago. These figures represent a dramatically better employment picture than the vast majority of Right to Work states, including the double-digit unemployment rates in South Carolina, Georgia, and Florida, and the 13.2 percent unemployment – the nation's worst – in Nevada, also a Right to Work state.

Furthermore, workers in the majority of Right to Work states have, on a per capita basis, lower salaries and benefits and lower overall median household income than New Hampshire. The average full-time worker in a Right to Work state makes about \$1,500 less annually than a similar

worker in a non-Right to Work state. Studies suggest that the wages and benefits of all workers – union and non-union – are adversely affected in Right to Work states.

Now, this same point has been used as a justification for the bill as a means of incentivizing companies to relocate to New Hampshire with the ability to pay depressed wages and benefits. I would suggest that justification is misguided. Job creation should not equate to a race to the bottom for New Hampshire employers and a diminished standard of living for all New Hampshire employees.

With respect to the amendment, I have maintained that supporters are between a rock and a hard place with this bill. The Committee took out the House amendment because it raised issues of discrimination. Good! Unions already have an obligation to represent everyone. But, now the bill is left with the “free rider” problem of a union having to represent someone who does not contribute to the costs of their representation. The answer to this conundrum, by the way, is just to kill the bill.

I also heard arguments with respect to a freedom of an employee to make a choice, and I can only say here what I’ve said multiple times already in committee, and I apologize to my committee members for the repetition on this. It’s all in the eye of the beholder. Supporters say it’s about an individual’s freedom to decide whether to contribute to a union or join a union; no one has to join a union. But, we have to do things, make contributions to organizations that we’re members of frequently. For example, we may pay fees to be a part of an association, whether it’s a condominium or the Bar Association, or otherwise. We all pay taxes for a multitude of things, not all of which we support. And, we may be represented by people that we didn’t vote for.

Finally, for those who are opposed to government intrusion, this bill clearly infringes on a business’ freedom to negotiate contracts with its employees. We often debate the appropriate role for government, and I would submit to you that interfering in negotiations between businesses and employees is not a role for government in New Hampshire.

So, for all these reasons, I’d ask you to join me in opposing the committee recommendation. Thank you, Mister President.

(The Chair recognized Sen. D’Allesandro.)

SENATOR D’ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition to House Bill 474, the legislation being offered as so-called “Right to Work”.

I want to start my conversation with you with an anecdote. My mother-in-law and father-in-law worked in the mills in Manchester: the Amoskeag Mills. Long days, no benefits, no ability to negotiate a contract. They worked because the Amoskeag ran the show. Are we going to return to that kind of a situation? I certainly hope not. Both of them are gone now, but they labored long and hard in that mill and suffered the pains of working in that mill. And, I can tell you that there is a place in the cemetery on Valley Street for those who were killed working in that mill, when the machines never stopped; when an individual fell prey to one of those machines, they kept them running and just took the remains and put them in a pauper’s grave on Valley Street. So, I tell you that House Bill 474 represents bad business policy, bad worker policy, and bad policy for New Hampshire’s economy. Now, think of that: bad business policy. We’re a business-friendly state. Bad worker policy – an unemployment

rate that's much less than the national average, and we are praised for the productivity of our employees. It's a manifestation that we talk about constantly when we talk about the quality of New Hampshire. And, bad policy for New Hampshire's economy.

Let me first clarify one point, so that this chamber and all those listening have a basic understanding that this is both an imperative and a fundamental to the policy discussion surrounding House Bill 474. No one – let me repeat – no one: no worker, no individual in the State of New Hampshire or anywhere else can be forced to join a union. There's been a great deal of misunderstanding and misinformation as it applies to this key element in the debate that's come before us today. The matter before us here is a question of whether those individuals who participate in and benefit from terms of employment agree to be and achieve during the collective bargaining process should contribute a fair share of the costs incurred in that process. Plain and simple. Should the cost of wages and benefits earned of a worker's rights of a workplace, safety measures, and of a worker's protections that benefit all workers be paid for by only the few, or should those costs be borne by all of those who stand to benefit – and, I repeat – all of those who stand to benefit? Mister President, I submit to you that House Bill 474 represents a race to the economic bottom for both New Hampshire workers and New Hampshire employers and stands as yet another affront to the already shrinking and diminished middle class.

Further, I would ask you why, at a time when New Hampshire's already low unemployment rate is on the decline and our economy is recovering at a faster rate than the vast majority of states, would we undertake such a dramatic policy shift that would adversely affect so many New Hampshire workers and their families? Why, as a state that enjoys one of the highest per capita income and the highest quality of life anywhere in the United States, why would we want to apply a policy that would only serve to diminish that standard? Our State Labor Commissioner has testified against this piece of legislation and stated that with the thousands of New Hampshire businesses he interacts with each year, the issue of so-called "Right to Work" is not among the chief concerns of our businesses and their workers. The Commissioner of the Department of Resources and Economic Development has further confirmed this statement in his own remarks. And, in a recent survey conducted by the New Hampshire Business and Industry Association in an effort to gauge concerns among New Hampshire businesses, so-called "Right to Work" ranked a distant 14th.

Mister President, I would suggest to you today that House Bill 474 is not good for New Hampshire workers; it's not good for New Hampshire business; it's not good for New Hampshire families; and it's not good for the New Hampshire economy. And, I would ask my colleagues to reject it.

I'd like to read from a letter that was sent to us by the Chancellor of the Diocese of Manchester. This letter represents the position of the Bishop of the Diocese of New Hampshire. Let me just quote the second to the last paragraph; I'm sure all of you have read this letter.

"At a time of great economic difficulty and the need for national unity in the face of great danger, we should preserve institutions like free collective bargaining that promote harmony, collaboration, balance, and justice. The passage of the Right to Work law in New Hampshire will do the opposite. For these reasons, we urge you to vote against the passage of House Bill 474." That's a letter sent to every member of the Senate with regard to the position of the Bishop on Right to Work.

Let me close by saying we all want the right to work; we all want to work. A job gives us the ability for self respect. But, to destroy a climate that has been created in this state, that has been most beneficial for our state, for our businesses, and basically for the economy of this state, why at this time would this body attempt to destroy something that has made New Hampshire what it is? Why take us back to the 19th century, when people died in sweat shops, when people didn't get a living wage, and when people had no opportunity to make their life better? For these reasons, Mister President, I ask you to vote against this piece of legislation. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I too rise in opposition to House Bill 474. As you have heard, states with so-called "Right to Work" laws do not guarantee work for anyone. In fact, they have some of the highest unemployment rates in the nation. And, in states like New Hampshire that have free rights to employers and employees to agree to union contracts, no one is forced to join a union. No one anywhere in the United States is forced to join a union. Rather, employers and unions in states such as ours are free to agree to contracts that require those who benefit from union negotiations to pay a fair share of the costs of such bargaining and oversight. And, I would remind you that only 11 percent of all workers in New Hampshire are represented by a union. So, why are we seeing this energetic assault on organized labor this year? "Energetic assault": that's how it was described by the *Keene Sentinel*, reprinted, I believe, in the *Nashua Telegraph*; also opposed in the *Portsmouth Herald*, this bill. Why are we allowing a Virginia-based group that's been repeatedly rejected in past sessions to come into New Hampshire and push this legislation, which as one House member described: "Is solely intended to create hate and discontent and break up our bargaining units"?

We have so much to accomplish together in balancing this budget in this difficult and deep recession. Why are we spending precious time on this non-issue? And, I can assure you, this issue will not go away; it will hang over our heads throughout this session and into our veto session. So, we could spend our time creating jobs and balancing budgets, or we can spend our time fighting these issues that in fact are non-issues.

We've seen a number of bills this session that serve to undermine the economic prosperity of New Hampshire's workers. House Bill 474 continues along that path. While New Hampshire ranks among the very top of states in categories ranging from low unemployment and low poverty rates to high median household income and high per capita net earnings, those states that have adopted Right to Work laws often fall short in those very areas.

Proponents of this legislation will tell you it's an effort to bolster job creation by attracting new businesses to the state. Yet, you've heard our own Department of Economic Resources has said they have never been asked on the State's position in a business that's considering coming to our state, and these assertions come without the backing of sound economic foundation or serious data-driven analysis. In fact, many Right to Work states, such as Nevada and Oklahoma, rank among the very bottom of the barrel in terms of employment, even before any attention is given to what kind of jobs are created by such policies.

Right to Work laws are often promoted as a means to attract employers looking for cheap wages, but as economist Andrea Orr writes: "When

employers compete chiefly on the basis of low wages and benefits, this race to the bottom does a state's workers no good. Consumer spending and tax revenues erode, and ultimately the employer seeking to reduce costs move jobs to even lower markets overseas". This is the quote of an economist who's watched this process around our country. So, if we aren't creating living wage jobs with this bill, what are we doing? House Bill 474 is aimed to weaken labor unions and, it's argued, this subsequent depressing of wages and benefits for all workers is supposed to be good business for business.

So, if this is such a good bill, what did we hear from New Hampshire businesses? At the public hearing conducted by the Senate Commerce Committee a few weeks ago, not one New Hampshire business that employs union workers, including PSNH and FairPoint and others, testified in favor of the bill, and several sent letters in opposition, recognizing the value of union labor. Additionally, in the House hearing in February, opponents to the bill outnumbered those in support ten to one.

Over the years, organized labor and businesses in New Hampshire have enjoyed a strong and amicable relationship. The skilled labor and high production that has resulted from this relationship has benefitted New Hampshire's economy. House Bill 474 would intrude on that relationship without any reliable evidence that points to job growth, and to the certain detriment of New Hampshire's workers and their families.

I urge my colleagues to vote "no" on passage of this middle income killing, decent wage killing bill. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I would like to respond to some of the comments made on this bill.

First off, on Right to Work, we get the argument of the "free rider" problem, that unions have to represent these people so these people have to pay. That issue was dealt with with an amendment that said the unions don't have to represent those people, and yet the unions came out even stronger against that. And so, there seems to be no winning; there's a circular logic here where if you amend it one way, that's not likeable, even though that's consistent, and if you keep it the other way, that's not acceptable either. We have to have one or the other, and we're putting it forward without the amendment.

A lot of my colleagues have mixed statistics here to send a mixed message. It's true that some states with Right to Work are poor, but those states were poor before they passed Right to Work, and since they've passed Right to Work, they've seen job growth. For example, Alabama and Mississippi: those were poor before they passed Right to Work, but since then, they've been closing the gap.

For economic statistics, from 2000 to 2010, real personal income grew 24 percent in Right to Work states, 10.9 percent in non-Right to Work states, and only 8.4 percent in New Hampshire. Meanwhile, New Hampshire lost around 12,000 private sector jobs between 2000 and 2010; Right to Work states actually added a handful of jobs in the private sector; the growth rate was 0.3 percent despite two recessions.

There were comments made that DRED hasn't heard of a single company that wants to move here because of elimination of Right to Work, yet I've been contacted by companies; I know Senator Groen, as well, has been contacted by companies, urging us to pass Right to Work.

To me, this is a matter of personal freedom. No, you can't be forced to join a union; that is true. But, if you're forced to be represented by the union and you're forced to make contributions, I would ask: What's the difference at that point? In fact, I've been contacted by a number of people who urged me, even though they can't come and testify because they're afraid, but they've urged me to pass Right to Work, including a UNH employee.

A lot has been made of the strength of New Hampshire's economy, and rightfully so; we are the strongest economy in the Northeast. But, I would maintain very strongly that is because of our status of having no income tax and no sales tax; it's the New Hampshire advantage, and it's what's made us a great state, and we can do even better by passing Right to Work. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I also would like to respond to some of the comments that our Senate colleagues have made against this bill.

I was on the Commerce Committee, so I did sit through the hours and hours of testimony that we received about this bill. And, like all committees that I've served on, we try to balance the concerns of all stakeholders; this has been a common theme, I think, in this Senate. I'm very proud of the fact that as we've worked through some difficult issues this session that I and my colleagues have tried to be responsive and sympathetic to all sides of an issue. And, I think the fact that we offered the amended version in the Senate and didn't just rubber-stamp what came over from the House was a reflection of that.

We heard during testimony a lot of angst about the House amendment, about the fact that it was an assault on the exclusive bargaining of units, and we responded to that, moving back toward the original bill as introduced. And, the original bill as introduced says...First of all, it says that this act is known as the Franklin A. Partin, Jr. Right to Work Act, and I want to pay tribute to my friend, Franklin Partin, who passed away a few months ago, and just one last time honor him on the Senate floor. And, then it says: "Freedom of choice guaranteed; discrimination prohibited." Who's against that?

Under the law of the State of New Hampshire, employees are protected in the exercise of their free choice to join or refrain from joining labor unions, and we all agree with that. But, as Senator Forsythe just pointed out, if you've got to pay the dues, how much freedom is really there? "Coercion and intimidation prohibited"; what's wrong with that? As we look at this act, this act really comes down to just a simple matter of freedom of choice. I ran as a freedom kind of guy, a liberty kind of guy; I believe in that; I believe "Live Free or Die" in New Hampshire.

We talked about economic issues, and I'll be honest with you: I thought the economic issues didn't enter into it. Senator Larsen outlined a lot of economic arguments. To be honest with you, if I wanted to take up valuable Senate time, I could read a host of economic arguments in the other direction about Right to Work states having increased employment and so forth, but I'm not going to do that because I came away from Commerce, from hearing all those arguments, that it was a mixed message. And, I don't actually believe Right to Work or not Right to Work had any impact on the economics of many states that were cited; I think there were other factors that entered into it, and the data was inconclusive. So, again, it just kept coming back to freedom for me; that was the issue.

The charge was leveled that we're interfering in negotiations; nothing could be further from the truth. With this amended version, unions still have the cornerstone of labor negotiations, which is exclusive representation of the entire unit. We did nothing to interfere with that, and that's why we peeled off that House language that would have interfered with that, again, trying to be responsive.

I'd like to address the issue about – Senator Larsen, again, brought up the fact that 11 percent of New Hampshire is unionized employment. We heard a lot of talk about economic activity, but the facts are that most of that union employment, that 11 percent, is public sector employment; it's not private sector employment. We have very little private sector union employment in New Hampshire. So, again, to inject economics into it, I think, is a bit disingenuous.

Then we talked about the fact that in those hearings people would say: "Well, people know if there's a union present in that workplace or not; they have the choice just simply to not work there. If they don't like the fact that there's a union, they don't want to pay agency fees, they don't want to participate, go find another job." Well, that's fine if there's other jobs available, such as in many private sector jobs where you can work at this garage or that garage or this trucking operation or that trucking operation. But, let's think about that for a minute: When most of the unionization is in the public sector, are you going to say to the citizens of New Hampshire: "If you don't want to join a union, don't be a schoolteacher, don't be a fireman, don't be a policeman, don't be a state employee"? Is that fair? That's not fair. They don't have another place to go. If somebody wants to serve our state in any of those honorable positions, they have to, basically, be a member of a union or pay agency fees almost exclusively in those positions.

The statement was made about the Commissioner of Labor, George Copadis, saying that no one comes to him complaining about Right to Work or not Right to Work being a hindrance to attracting businesses. But, again, I say that's because we have, pretty much, a low private sector unionization rate, and that's just not an issue here.

So, in conclusion I'd just say this...Oh, and one other thing I'd like to take exception to, again from Senator Larsen, is the comment that we're just trying to spread hate and discontent. First of all, this bill has been before this Legislature time and time and time again. The fact of the matter is, with certain people that believe in the right to freely join a union, their appetite has not been quenched for that desire of that right, and I don't believe it would be quenched if we killed this bill again. I think that they have a legitimate concern there. On the other side, those with the labor unions, I heard loud and clear – my mailbox, it got to the point where we stopped reading it and just weighed it. There was an intense volume of it; it was very intense. So, it's intense on both sides, and I will agree with Senator Larsen that we probably haven't heard the last of this. But, I will say this: This Senator is not here to spread hate and discontent, and I take exception to that charge.

So, in conclusion, I just say I do support this bill. We tried to be responsive to the concerns of Labor, and that's why we stripped the House amendment that we did feel was an intrusion on the cornerstone of collective bargaining, which really is that exclusive representation. This bill represents a good common sense, trying to make all stakeholders happy type of attempt; it's our best effort to do that. I urge people to support it, and

I think that the Commerce Committee and the Senate members I spoke to can be proud of the fact that they did listen to stakeholders, they didn't have a bad attitude or try to spread hate or discontent. I'm proud of the fact that I listened to stakeholders, and I'll stand by that. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. White.)

SENATOR LARSEN: Senator White, you talked about freedom. And, first I wanted to clarify that the hate statement was in fact a quote from a House Representative who was feeling that fairly strongly in his chambers. So, those were not my words; I was simply quoting his statement, which I pass along.

But, the question of freedom – As you understand it, is it not an agreement between the employer and the employee before an agency fee is, or a fair share fee, is included in a negotiation...It's the freedom of those two groups to choose to have that as part of their contract. Is that not a freedom of choice right there?

SENATOR WHITE: I would agree that that is a freedom of choice. But, again, my answer to that is that when someone objects to paying that fee, at that point, if there is an agreement that there has to be an agency fee, which was voluntarily entered into by the majority of workers when that contract was created, at that point they're out of options. And, I'd also further answer that, you know, through this whole argument, it was portrayed that unions were going to be put at a disadvantage and that they couldn't compete. I believe totally, certainly when I see the kind of effort and impassioned speech that the unions portrayed in our hearings, they can compete for these workers. I really believe the opt-out is going to be a very small percentage of people, because the unions can make a compelling case – they certainly did with me – that they are valuable and that they do a service, and just like I'm in a private enterprise business and I have to fight for customers, they're going to have no problem getting customers lining up at the door. But, I have to be concerned with everybody, including that 1 percent, 3 percent, whatever it is, that just has a moral or religious or whatever reason they have – it's their freedom to not want to exercise or not pay into that system or pay agency fees; I have to watch out for them, too.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I just want to rise and say in our committee hearing and in our committee debates and our deliberation during executive session, I want to commend to Senator Houde, Senator White, Senator Sanborn, and Senator De Blois that you did a great job. We went through all these subjects; we discussed them. And, we are all good friends, as far as I'm concerned, and yet we come to different decisions. And, that, to me, is the beauty of this body. And, I appreciate the open debate and I appreciate that when this bill was entered last fall, the public knew what the bill said. And, I appreciate that we returned it in the Senate, realizing that the amendments were wrong for our committee; all of us – 100 percent of us in that committee – said those amendments by the House were wrong for us. So, we changed it. And, it was all done publicly and open, with good debate. And, now we've come to a point where eight months ago, this was known; this writing is the same. And, I am satisfied with that, that it's been a good open government act. And, I'm ready to vote for it, Mister President, and I move the question.

PRESIDENT BRAGDON: Unfortunately you cannot move the question after speaking.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I've listened very carefully to the debate, and it's not a new item. Since 1992, I have been voting for it; I'm going to vote for it again today.

One thing struck me as a little strange, and another one that offended me a little bit. So, I'm going to talk about the one that offended me a little bit, then I'll talk to you about the one that I found rather strange to be brought onto the floor of the Senate.

"Attack on the middle class." Well, the Senator that said that is a pretty smart guy, and I think he knows that District 17 doesn't have too many people that are in the high salary range; most of the folks in District 17 are middle class people. Those are the people I've been representing for over 20 years up here. I will continue to represent them. And, I take a little bit of offense that because I'm voting for this that I'm attacking the middle class. That is a positively stupid and uncalled-for statement in my opinion. The phone rings and somebody asks for help, Jack doesn't say: "Are you a Republican? Are you a Democrat?" Jack says: "What do you need?" I do ask a question: "Are you a Yankee fan?" And, I might hesitate a little bit before I help them, but before it's over, I do help them. So, I've been doing it for a long period of time. And, the middle class is very important to this state and it's very important to me, and I've got a hunch it's very important to every other member in this chamber. That's why we're probably here: to represent the middle class. And, I am not attacking the middle class, and I haven't since 1992 attacked the middle class because I've voted for this legislation.

The thing that struck me as a little peculiar is the Bishop of the Catholic Church of New Hampshire sent a letter to everybody. Well, I think that's great. But, he also, on a bill about two years ago, sent a letter to all of us sitting in this chamber, and some people, and one of whom I asked after the vote on a certain bill that he talked to us about why he did it, and I – luckily I have forgotten what his answer was, but I think he knows what his answer was. So, why is the Bishop of the Catholic Church of New Hampshire's letter important to this conversation when it wasn't on another piece of legislation that was very important to the Catholic Church, as well as many Protestants? Thank you very much.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I want to just react to the remarks of my colleague, the distinguished Senator from Raymond, who's been here for a long time. I was his precursor here. Let me tell you that when you look at the statistics that are presented by the United States Department of Labor, there has been a deterioration of the middle class around the country. That's a fact; that's not fiction. And, I'm not accusing any Senator of doing anything to the middle class. You do what you think is right, you respond to your constituency; that's why you're here. I might say that the median family income in Manchester is around \$30,000. That's middle class. Those are the people I have represented since I came to this body in 1973, as a member of the House, as an Executive Councilor, and as a member of the Senate. I refuse no call; I try to support anyone who comes and wants the service that I can give them. And, I suggest that every one of you does the same thing. So, to impugn that I think negatively of some Senator is irresponsible – totally irresponsible – and I will not accept that.

Number two: If the Bishop of Manchester chooses to write, he does have freedom. That's a right that we all have. You have a right to either accept or reject what that Bishop is asking for. That's your freedom, and you should exercise that. To bring it up and say on one occasion I accept it, on another occasion I don't, again, is absolute fallacy, and I will not accept that.

This is a deliberative body. We deliberate the merits of the issue. That's all we debate: the merits of the issue. If you're for the issue, vote for it. If you're against the issue, vote against it. The debate, hopefully, adds to the validity of your decision, whether you're for it or against it. That's what we're here for. We're not here to talk about one another and one another's position.

Mister President, I am proud to be a member of the Senate. I am proud to be a public official. I stand on my record as a public official. Thank you.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise in opposition to this legislation, and just want to simply say that I think we need to have some caution in our response to this kind of legislation today and other legislation that's come before us in regard to unions. I do feel that the underlying intent on this legislation is to weaken unions. And, you know, you look at the history of unions, we talk about balance, we talk about justice, and we talk about freedom, and we talk about choice, and these are principles that we will debate forever. And, it's important that we debate them. But, I just simply want to say that without the strength of unions in the past and history, myself as a woman and for many women I speak for, there would not have been a freedom of choice to work or to have benefits, and also, for many, many people, middle class people who work every day to have that choice of employment. And, I also just simply want to end by saying in regard to the work that unions have done historically and continue to do today to protect our young people and children, and let's not forget the history and where we've come from. And, my concern is just simply that many of these bills that we bring before us today, this one as well, is just to weaken our unions. Thank you.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I rise in opposition to this bill. I respect the opinions of every single person in this room; we all represent our constituents. And, I have heard from a number of my constituents, a majority – I've been keeping a running total – who have asked me not to vote for this bill, and I am going to honor the request of my constituents.

But, I have to tell you, I have been subjected to the most vile attacks by this out-of-state special interest group that I have ever experienced in the 11 years that I have spent representing my constituents. They have attacked my husband, they have attacked my daughter, and I have been threatened – that has been in the news. I am just – I just don't know what's happening here in New Hampshire today on this issue. People are very, very passionate about it. And, this just has to stop. This has to stop. We need to respect each other's opinions. We are all representing our constituents. Thank you, Mister President.

Sen. Bradley called the question. Without objection President Bragdon closed debate.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes. The following Senators voted Yes: Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Gallus, Houde, Kelly, Carson, Larsen, Boutin, D'Allesandro, Merrill.

Yeas: 16 - Nays: 8

Adopted, bill ordered to Third Reading.

EDUCATION

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. Ought to Pass, Vote 4-0. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 386 Ought to Pass. This legislation adds Granite State College to the university system of New Hampshire corporate charter and also adds a student trustee from Granite State College to the university system board of trustees. Wow, that's exciting stuff.

The university system of New Hampshire is responsible for providing higher education in New Hampshire and includes Granite State College, Plymouth State University, Keene State College, and the University of New Hampshire. Therefore, it is appropriate to include a student from Granite State College to the rotation of student trustees to the board as recommended by the university system and Granite State College.

Therefore, the Education Committee recommends that House Bill 386 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

HB 33, relative to the care of memorials in Franconia Notch state park. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy and Natural Resources

April 14, 2011

2011-1440s

04/01

Amendment to HB 33

Amend the title of the bill by replacing it with the following:

AN ACT relative to the care and maintenance of war memorials in Franconia Notch state park.

Amend the bill by replacing section 1 with the following:

1 New Section; Expansion of State Park System; War Memorials in Franconia Notch State Park. Amend RSA 216-A by inserting after section 6-a the following new section:

216-A:6-b War Memorials in Franconia Notch State Park.

I. The war memorials on the eastern shore of Profile Lake in Franconia Notch state park shall be undisturbed and maintained in a proper

manner for viewing and visiting by the public. Appropriate signage and recognition of the war memorials shall be placed at the entrances to Franconia Notch state park as well as directional signs to the memorial sites. Veterans groups may aid the division of parks and recreation in enhancing and maintaining the park, through programs such as the Adopt-a-Park program and by other means.

II. The director of the division of parks and recreation may solicit, accept, and expend any gifts, grants, and donations for the purpose of maintaining the war memorials in accordance with this section.

2011-1440s

AMENDED ANALYSIS

This bill requires the care and maintenance of war memorials in Franconia Notch state park.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 33 Ought to Pass with Amendment. HB 33 establishes the standards of care for memorial sites in Franconia Notch State Park. This will help ensure that the memorial on the shore of Profile Lake, dedicated to our combat veterans, will be cared for and maintained for the foreseeable future.

The amendment eliminates extraneous language and the broad scope of the original bill, thereby clarifying that the legislation is specific to memorials in Franconia Notch State Park.

Please join the Energy and Natural Resources Committee in voting Ought to Pass with Amendment on HB 33. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 74, relative to the ticketing and season passes at Cannon Mountain. Ought to Pass, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 74 Ought to Pass. House Bill 74 makes changes to the requirements for reduced rate season passes at Cannon Mountain aerial tramway and ski area. Moreover, the bill looks to simplify the requirements of proof of residency for a child under the age of 18, align season pass and day ticket age brackets, change the terminology of season passes to reflect the new age brackets, change age "as of" requirement to December 15th to align with the current New Hampshire resident discount deadline, and to eliminate the term "coupon book" from New Hampshire resident discount consideration.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 74. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 144, relative to energy efficiency and clean energy districts. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 144 Ought to Pass. This bill amends RSA 53-F, passed last year as a mechanism to help residential and commercial property owners finance energy efficiency and renewable energy improvements.

HB 144 establishes that financing for participating property owners in energy efficiency and clean energy districts may be provided through issuance of municipal revenue bonds, but not from general municipal revenues, a change from last year's legislation. Further, this bill removes the priority lien provision for loans made by energy efficiency and clean energy districts under RSA 53-F. The first liens for such loans presented a problematic departure from traditional mortgage lending practices, and were not viewed as essential to these programs.

Please join the Energy and Natural Resources Committee in voting Ought to Pass on House Bill 144. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you again, Mister President. I move that House Bill 196 Ought to Pass. House Bill 196 allows the Fish and Game Department to suspend a person's certificate of completion of a basic hunter education program or specialized bow hunter education program pursuant to rules adopted by the Executive Director.

This bill was at the request of the Fish and Game Department, and would allow the Department to require individuals to take safety courses a second time when they have been involved in a significant safety violation. So, please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 196. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 230, exempting the repair of certain structures from compensatory mitigation requirements. Inexpedient to Legislate, Vote 5-0. Senator Gallus for the committee.

SENATOR GALLUS: Thank you, Mister President. I move House Bill 230 Inexpedient to Legislate. House Bill 230 would exempt owners of waters that are solely within the boundaries of the owner's property and have no abutters who repair or replace existing structures from compensatory mitigation requirements.

The Committee felt that the current law seems to be working and shouldn't be changed without a closer examination of possible unintended consequences that may result from the law change.

Please join the Energy and Natural Resources Committee's recommendation of Inexpedient to Legislate on House Bill 230. And, I thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. Groen is in opposition to the motion of Inexpedient to Legislate on HB 230.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 47, relative to inactive license status for real estate brokers and salespersons. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

Senate Executive Departments and Administration
April 14, 2011
2011-1441s
10/04

Amendment to HB 47

Amend the title of the bill by replacing it with the following:

AN ACT relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 New Paragraph; Definition Added. Amend RSA 331-A:2 by inserting after paragraph V-d the following new paragraph:

V-e. "Limited electronic media" means all electronic media that only allow for the presentation of limited amounts of information. Limited electronic media includes, but is not limited to, thumbnails, twitter messages, text messages, and other forms of electronic media existing now or in the future that similarly limit the amount of information that can be presented.

3 New Subparagraph; Advertising; Limited Electronic Media. Amend RSA 331-A:16, IV by inserting after subparagraph (b) the following new subparagraph:

(c) With respect to limited electronic media, the requirements of subparagraphs (a) and (b) shall be satisfied if the limited electronic media includes a link to an Internet display that contains the required information.

4 Prohibited Conduct; Advertising. Amend RSA 331-A:26, X to read as follows:

X. In the case of a salesperson or broker, advertising in any manner without stating the name of the individual principal broker when licensed under an individual principal broker license or business name as licensed for whom or under whom the salesperson or broker operates, *except as provided in RSA 331-A:16, IV(c)*.

2011-1441s

AMENDED ANALYSIS

This bill clarifies the real estate commission's procedure for placing a license on inactive status. The bill also regulates the use of limited electronic media in advertising by real estate brokers and salespersons.

SENATOR LUTHER: Thank you, Mister President. I move House Bill 47 Ought to Pass as Amended. HB 47 was requested by the real estate commission, and firstly changes the method of how a real estate broker is placed on inactive status. The past method was by application; the present requested method is by written request by the licensee.

Secondly, the amendment addresses a title change to the bill to include "the use of limited electronic media". The State of New Hampshire regulates how real estate brokers advertise to consumers with every advertisement including the required mandatory information, which is the name and contact information of the real estate brokerage firm. Advertising through electronic communications only allow for a limited number of characters in a message and can be completely used up with the agents' and agents' firms' information. Thus, the National Association of Realtors corrected this dilemma by instituting a new policy which states that the mandatory information is not required

in the limited message if and only if the information is included in a link that is embedded in the message. HB 47 as amended places this definition in statute.

The Senate ED&A Committee voted unanimously in favor of the motion Ought to Pass as Amended, and we therefore ask for your support in its adoption.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 92, relative to expiration of licenses issued by the board of foresters. Ought to Pass, Vote 5-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move House Bill 92 Ought to Pass. Currently, all board of foresters licenses expire on January 1st. This bill changes the license expiration to the last day of the birth month of the licensee. This will level the workload for the licensing board and allow them to better serve their licensees.

The Senate ED&A Committee voted unanimously in favor of the motion Ought to Pass, and we therefore ask for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

FINANCE

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

SENATOR GALLUS: Thank you, Mister President. I move House Bill 35-FN Ought to Pass. This bill authorizes the Fish and Game Department to acquire certain dams in the Connecticut Lakes Headwaters Tract and to transfer rights in the properties to the Department of Environmental Services for repair and maintenance. With the amended version by the House, the bill has been determined that the total fiscal impact would be less than \$10,000 in each of the fiscal years 2011 through 2015.

The Finance Committee recommends that House Bill 35-FN Ought to Pass and asks for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

HB 58, relative to inter-facility transfers of critical access hospital patients. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 58 Ought to Pass. House Bill 58 deletes the exception for emergency medical and trauma services to allow certain providers to provide care during inter-facility transfer of critical access hospital patients in an urgent situation.

The exemption, entered into law in 2005, allowed a nurse to supplement an emergency medical service provider as the second individual in the back of an ambulance on an inter-facility transport of critically ill patients. The exception was made because of staffing issues. The system has since evolved, and EMS staff has increased. This exception has not been utilized in four years and has been deemed unsafe by all involved. Therefore, the Health and Human Services Committee believes it should be repealed by HB 58.

Please join the unanimous Health and Human Services Committee in voting House Bill 58 Ought to Pass.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 71, authorizing establishment of pharmaceutical drug take-back programs. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health and Human Services

April 7, 2011

2011-1374s

01/09

Amendment to HB 71

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect July 1, 2011.

SENATOR KELLY: Thank you, Mister President. I move House Bill 71 Ought to Pass with Amendment. House Bill 71 allows New Hampshire communities and private entities, in conjunction with law enforcement officers, to establish controlled and non-controlled pharmaceutical drug take-back programs.

Under this bill, the Department of Justice, the pharmacy board, the Department of Safety, and the Department of Environmental Services shall establish guidelines for communities and private entities to follow if they choose to establish a pharmaceutical drug take-back program.

We heard testimony that more people in New Hampshire die as a result of pharmaceutical drug abuse than die in car accidents. These take-back programs will be completely voluntary, and will allow our communities with the assistance and presence of law enforcement to proactively take back unused drugs. The amendment to HB 71, submitted by its sponsor, only changes the effective date.

The Health and Human Services Committee recommends House Bill 71 Ought to Pass with Amendment and we ask for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 426, adding certain entities to the unused prescription drug program. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

Sen. Sanborn moved to Lay on the Table HB 426. Adopted.

HB 483-FN-L, relative to mosquito control. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Health and Human Services

April 7, 2011

2011-1375s

01/09

Amendment to HB 483-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control

plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect, ***or has previously been in effect within the last year***, for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

2 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared, ***or has been declared within the last year***, by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

3 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect, ~~or has previously been in effect within the last year,~~ for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

4 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared, ~~or has been declared within the last year,~~ by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect November 1, 2014.

II. The remainder of this act shall take effect 60 days after its passage.

2011-1375s

AMENDED ANALYSIS

This bill allows a municipality to commence mosquito control abatement activities on state lands where a public health threat is in effect or was in effect within the last year under RSA 141-C:25.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 483-FN-L Ought to Pass with Amendment. House Bill 483 allows a municipality to commence mosquito control abatement activities on state lands where a public health threat is in effect or has been in effect.

This bill was proposed by the Town of Stratham after an interdepartmental miscommunication resulted in a month-long delay between the health threat declaration and permission being granted for the town to treat mosquitoes.

As amended by the House, a town could continue to treat for mosquitoes on state lands for five years after the public health threat is declared.

Committee Amendment 1375s would permit the town to treat for one additional year after the threat is declared during a trial period scheduled to sunset in 2014. The Committee believes one additional year is more appropriate so that our towns do not continue to respond in historical context to current conditions, but are allowed a safeguard on abatement for one year.

So, the Health and Human Services Committee recommends HB 483-FN-L Ought to Pass with Amendment and we ask for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division. Ought to Pass, Vote 4-0. Senator Houde for the committee.

SENATOR HOUDE: Thank you, Mister President. I move House Bill 609 Ought to Pass. This legislation establishes a circuit court system in the State of New Hampshire, which would incorporate the existing district courts, probate courts, and family division courts under one umbrella. Divided among county lines, the circuit courts will use established court locations and enable staff to more efficiently manage court dockets.

Unlike the current system, which has 52 district clerks who serve each individual court, each circuit court will have one clerk, reducing the number of clerks to 21 from the current 52. Furthermore, current judges serving in the district and probate or family division courts will be able to serve in other divisions upon certification of competency in that area, enabling the judges to be more able to serve whatever cases are assigned to their courts.

This is all part of a larger effort to examine the functioning of the Judiciary, and the court innovation commission came out with several recommendations, the organization being principal among them. Other innovations designed to increase efficiency include a centralized call center to answer questions in a more effective and efficient manner.

While House Bill 609 represents a significant change in the operation of our courts, its passage is critical to the courts meeting their budget and continuing to provide the level of service required and expected. The Judiciary Committee recommends that HB 609 be adopted and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I just want to reiterate to my colleagues the significance of this piece of legislation, and the dramatic impact it has on the fiscal stability of the state. We have penciled in significant savings based on the passage of this bill. The Chief Justice of the Supreme Court came before the Finance Committee and gave us a clear iteration of the value of this piece of legislation and the dollars that will be saved over a long period of time. So, the passage of this bill as presented, I think, is very, very important, and puts us on a path leading to significant financial savings. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I serve on Judiciary under our capable Chairman, and I think this is a great bill. But, I do

want to make a comment that I'm very concerned about. I represent parts of Nashua along with Gary Lambert – Senator Lambert – and I am very concerned about the news that we've just heard in the last few days after this bill was presented that they plan to close the Superior Court in Nashua, and this is of great concern to us. I will support this bill, but I'm not happy with what I see coming for the Judiciary.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. And, thank you, Senator Luther, for bringing that to this body's attention. I would note, if it provides any comfort to our colleagues from Nashua, that the superior court system is actually not part of the circuit court fix. So that, while there are issues with the superior court that will perhaps be affecting Nashua, this bill is actually separate from that. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

HB 86, relative to filling a vacancy among county officers. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move House Bill 86 Ought to Pass. This bill came about as the result of a vacancy in the Rockingham County Sheriff's Department. It would permit the county convention to leave certain elected positions vacant for less than one year. The convention wants the option, by majority vote, to either fill the position or leave it vacant. There may be someone currently in a department capable of serving as an interim who may have no intention of filing for the open position. If the convention fills the position with an interim individual, sometimes that individual is thought to have a leg up in election if that individual plans to be a candidate. If there is less than one year left in the term to be filled, the county convention wants to have the option to assure that the services will be met while not promoting any one person for candidacy.

Therefore, the Public and Municipal Affairs Committee recommends House Bill 86 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility. Ought to Pass, Vote 4-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 115 Ought to Pass. This bill authorizes the superintendant of a county correctional facility to transfer prisoners for public safety or emergency reasons without the approval of the county commissioners. The bill requires the county commissioners to review such transfer at their next regular meeting.

Our country correctional facilities currently have arrangements with other county jails or state prisons to transfer a prisoner who is causing a problem, has a contagious illness, or, in some cases, for the protection of the prisoner or other inmates. However, the scheduling of county commissioner meetings may create a problem in attaining timely approval for the transfer of a prisoner. This bill gives authority to the superintendant to make the transfer, and then the county commissioners can investigate

the transfer at their next meeting. The commissioners haven't lost any responsibility; this bill merely makes it easier for the superintendant and makes it safer inside the jail, as well. If the county commissioners reject the transfer, the prisoner shall be returned to the facility from which the prisoner came as soon practicable. There was no opposition to this bill during the House hearing and there was no opposition in Public and Municipal Affairs.

The Public and Municipal Affairs Committee recommends House Bill 115 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 132, adopting and implementing the United States flag code. Ought to Pass with Amendment, Vote 4-0. Senator Barnes for the committee.

Public and Municipal Affairs

April 13, 2011

2011-1416s

05/03

Amendment to HB 132

Amend RSA 3-E:2, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The governor shall order the flag to be flown at half staff in the event of the death of any member of the armed forces who dies in combat and who is a resident of New Hampshire. The flag shall be flown at half staff the day of and the day after the service member's burial. Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

SENATOR BARNES: Thank you, Mister President. I move House Bill 132 Ought to Pass with Amendment. This bill adopts the United States Flag Code as the flag code for the State of New Hampshire. The bill includes additional occasions on which the flag may be flown at half staff and provides that prohibitions on flying the flag at one's place of residence are unenforceable.

This bill came in before all of the press in the newspaper that you saw about the lady flying her flag at her condominium and she was told she couldn't fly it, and her husband's in Afghanistan. So, this bill happens to fit in very nicely for that situation. It was Representative Blankenbeker who is the – I believe she's a Lieutenant Commander in the United States Navy – that put that bill forward.

Although a federal flag code exists currently in New Hampshire, there is no consistent policy in the display of the American Flag at half staff when the body of a service member killed in combat is returned to the state. This bill adopts Title 4 - Flag and Seal, Seat of Government, and the States, which delineates when it is appropriate to fly a flag at half staff, who it is appropriate for, and how it is flown.

The bill also makes clear under both Title 4 and Public Law 109-243 the Freedom to Display the American Flag Act, that any association, including condominium complexes, cannot restrict the flying of the American Flag.

In discussions with the prime sponsor, Committee members expressed their concern that language in the bill may be limiting, particularly to the display of the flag at half staff and the location of the burial of a

New Hampshire service member. All parties agreed to amend the bill to broaden the language. All agreed as well that the bill should become effective immediately upon passage.

Therefore, the Public and Municipal Affairs Committee recommends House Bill 132 be adopted as amended and asks for your support, and I say thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 451-FN, relative to prerecorded political messages. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

Sen. Merrill moved to Lay on the Table HB 451-FN. Adopted.

TRANSPORTATION

HB 72-FN-A, establishing a state aeronautical fund. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Senate Transportation

April 14, 2011

2011-1439s

03/10

Amendment to HB 72-FN-A

Amend RSA 422:35, II as inserted by section 2 of the bill by replacing it with the following:

II. There is hereby established the state aeronautical fund. The commissioner is authorized to accept gifts to further the purposes of this chapter and shall deposit them in the fund. The moneys in the fund shall be nonlapsing and shall be continually appropriated to the department for the purpose of funding maintenance of airports within the state that are open for public use and planning and implementing capital improvements to such airports. The commissioner may also accept and sell to a third party surplus airport equipment disposed of by the federal government and shall deposit the proceeds of the sale in the fund for the purpose of funding maintenance of and planning and implementing capital improvements to the airport where the equipment was located prior to disposal.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Section; Property Held in Airport Property Rooms. Amend RSA 471-C by inserting after section 13 the following new section:

471-C:13-a Property Held in Airport Property Rooms.

I. Notwithstanding any other provisions of law to the contrary, an airport director or designee may dispose of all noncontraband abandoned or lost property that has been held in an airport property room for a period of 180 days and not claimed by the owner. If the owner is unknown or if the owner fails to claim the property within 60 days of being notified to claim the property, the airport director or designee may:

(a) Destroy abandoned or lost property which may contain personal or business information, or property which has a value of less than \$25.

(b) Return currency to an identified finder. The identified finder shall claim the currency within 60 days of being notified to claim the currency, otherwise said currency shall be retained by the airport for its use in aeronautical activities.

II.(a) An airport director or designee may dispose of all noncontraband abandoned or lost property that has been held in an airport property room for a period of 180 days which the airport director or his or her designee has not been able to dispose of under paragraph I by:

(1) Donating property which may be of value to a charitable organization to charity; or

(2) Selling the property at public auction. The airport director or designee shall fix a day upon which the auction shall take place, and give notice thereof by publication in a daily newspaper. The notice shall state the date, time, and place when such auction shall commence and shall contain a general description of the types of property to be sold. The notice shall be signed by an airport director or designee. The proceeds of such auction shall be retained by the airport for its use in aeronautical activities or donated to the state aeronautical fund; or

(3) Selling the property on an internet auction site with sufficient buyer participation to ensure that the property receives adequate exposure to the market for goods of the type being disposed of. The proceeds of such auction shall be retained by the airport for its use in aeronautical activities or donated to the state aeronautical fund.

(b) Property which fails to sell at public auction or on an internet auction site may be disposed of in any manner which the airport director or designee deems fit.

III. The airport and the state, municipality, authority, or other entity which owns or manages the airport shall have no liability for any claim thereafter arising or made with respect to property disposed of under this section.

SENATOR STILES: Thank you, Mister President. I move House Bill 72-FN-A Ought to Pass as Amended. This bill establishes a state aeronautical fund and authorizes the Commissioner of the Department of Transportation to accept donations to the fund.

The Committee heard from stakeholders regarding the important role New Hampshire airports play in the economic stability of the communities in which they reside. This fund would take no money from the general fund.

The Committee amended the bill to include a legal vehicle for all airports in New Hampshire to dispose of abandoned property left on planes or at airports. This disposal of abandoned items was also suggested as a possible revenue source for the aeronautical fund.

The Transportation Committee asks for your support for the motion of Ought to Pass as Amended. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.
(The Chair recognized Sen. Morse.)

SENATOR MORSE: I've got a question for Senator Rausch if he'll take it.

PRESIDENT BRAGDON: Senator Rausch has not spoken, but he can take it if he wants to, even though this bill is going to Finance when it's done.

SENATOR MORSE: And, that's the question. Senator Rausch, you sit on a board of directors at a bank. How many accounts have you opened with no money? Just a question.

SENATOR RAUSCH: That's confidential information; I'm sorry.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. Ought to Pass with Amendment, Vote 3-0. Senator Rausch for the committee.

Senate Transportation

April 14, 2011

2011-1437s

03/04

Amendment to HB 90

Amend the bill by replacing section 1 with the following:

1 Safe Boater Education Certificate; Possession Required. Amend RSA 270-D:11, III to read as follows:

III. Enforcement of this section shall be accomplished only as a secondary action when an operator of a motorized or registered vessel has been cited, [or] charged with, *or issued a written warning for a violation or some other offense, or as a primary action when an operator is involved in an accident.*

2011-1437s

AMENDED ANALYSIS

This bill permits enforcement of the requirement of boaters to have a safe boater education certificate when the operator is issued a written warning for a violation or offense or when the operator is involved in an accident.

SENATOR RAUSCH: Thank you, Mister President. I move House Bill 90 Ought to Pass with Amendment. This bill permits enforcement of the requirement of boaters to have a safe boater education certificate when the operator is issued a written warning or a violation or offense, or when the operator is involved in an accident or is the subject of a complaint.

The Committee heard from the New Hampshire Department of Safety Division of Marine Patrol, who supported the bill and felt the bill was necessary, as it gives a Marine Patrol officer the authority and discretion to issue a boater a written warning for not having their safe boater certificate. The Committee amended the bill to limit under what circumstances a boater could be issued a written warning by the Marine Patrol officer.

The Transportation Committee asks for your support for the motion of Ought to Pass with Amendment.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints. Ought to Pass, Vote 3-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 148 Ought to Pass. This bill prohibits the acceptance of federal funding for motorcycle-only roadside checkpoints.

The Committee heard from the New Hampshire Department of Safety, who was in support of the bill, and other stakeholders. It was felt motorcycle-only checkpoints were discriminatory and not something that would warrant New Hampshire's participation. The State does not conduct motorcycle-only checkpoints at the current time. This bill would not prevent the State from testing motorcycles for noise violations during Laconia's Bike Week or from stopping motorcycles during sobriety checkpoints.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 397, relative to image display devices in motor vehicles. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

Senate Transportation

April 14, 2011

2011-1438s

03/10

Amendment to HB 397

Amend the title of the bill by replacing it with the following:

AN ACT relative to image display devices in motor vehicles and relative to air pollution rules.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Air Pollution Control; Rulemaking Authority. Amend RSA 125-C:4 by inserting after paragraph I-b the following new paragraph:

I-c. This section shall not be interpreted to authorize the adoption of standards for motor vehicle emissions.

3 Effective Date. This act shall take effect upon its passage.

2011-1438s

AMENDED ANALYSIS

This bill replaces the prohibition on televisions in motor vehicles with a prohibition on image display devices, as defined in the bill. This bill also limits the authority of the commissioner of the department of environmental services to adopt rules establishing motor vehicle emission standards.

SENATOR STILES: Thank you, Mister President. I move House Bill 397 Ought to Pass as Amended. The bill replaces the prohibition on televisions in motor vehicles with a prohibition on image display devices as defined in the bill.

The Committee heard from stakeholders who explained that currently a person can watch a video on an image display device in the front of the vehicle but not broadcast television. This bill would permit image display devices in the front of the vehicle to show video and broadcast television images, but only if the image display device included technology which prohibited the driver from being able to view the video or broadcast television while the car is in motion.

The Transportation Committee asks for your support of the motion of Ought to Pass as Amended.

Sen. Boutin moved to Lay on the Table HB 397. Adopted.

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels. Inexpedient to Legislate, Vote 3-0. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move House Bill 548 Inexpedient to Legislate. This bill expands the safe boater education certificate requirement to the operation of all motorized vessels, allows

persons 12 years of age or older to obtain safe boater education certificates, modifies the minimum age for operation restrictions for motorized vessels, and was requested by the Department of Safety.

The Committee heard from the New Hampshire Department of Safety Division of Marine Patrol, who spoke in support of the bill, as well as small business owners, who spoke in opposition. The Division of Marine Patrol requested this bill in an effort to expand the requirement of a safe boater certificate to every boat operator, regardless of the horsepower they operate. It was explained to the Committee that 44 states require some type of boating certificate in order to operate a boat, but none require a boating certificate for a boat under 25 horsepower.

After careful consideration of the testimony and examining the risk this bill could pose to small boat businesses and state tourism, the Transportation Committee determined it was best to vote Inexpedient to Legislate. The Transportation Committee asks for your support for the motion of ITL. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 549, relative to driver's license reexaminations. Ought to Pass, Vote 3-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 549 Ought to Pass. This bill eliminates the requirement that a driver be examined upon reaching his or her 75th birthday. In part, we did this, Mister President, on behalf of my colleague here from Raymond.

The Committee heard from the Department of Safety Division of Motor Vehicles, who opposed the bill, as well as stakeholders who supported it. The Division of Motor Vehicles felt this was the best tool they have to test older drivers who statistically suffer more and often from impairments due to their age.

The Committee was told the group of people the current law requires testing of is in fact the safest group of drivers in the country, and the Transportation Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Barnes for a parliamentary inquiry.)

SENATOR BARNES: Before we go any further, should I sign some sort of a form to not be able to vote on this, or is it okay with this body if I vote on this? Senator D'Allesandro is almost there, so maybe he might have an interest in that, too; I don't know.

PRESIDENT BRAGDON: I don't know; the line might go out the door depending on how we do this. I do not feel that will be necessary, Senator Barnes.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise to support House Bill 549 and to, if I might, introduce a guest in the gallery. Representative Bob Williams is from Concord, and has been an advocate of this bill for many years. He lives in a community of people, very talented people, who in fact, some of whom are age 75 or older. But, they are also wonderfully involved and capable people, and this bill recognizes that age discrimination in any form should not be placed in our laws, and I applaud and welcome Representative Bob Williams of Concord.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. Ought to Pass, Vote 3-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move House Bill 558 Ought to Pass. This bill exchanges Haseltine Street in Plaistow for a section of New Hampshire's route 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.

The Committee heard from the New Hampshire Department of Transportation and the Town of Plaistow, both of whom support the bill.

The Transportation Committee asks for your support in the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 621-FN-L, relative to the authority of the department of transportation. Ought to Pass, Vote 3-0. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move House Bill 621-FN Ought to Pass. This bill provides for an excavation and dredging permit by notification for municipalities that construct and maintain structures in accordance with best management practices for routine roadway maintenance, and also establishes a committee to study certain rules pertaining to stream crossings.

The Committee heard from the New Hampshire Department of Environmental Services, the New Hampshire Department of Transportation, and other stakeholders, all of whom supported the bill. The Committee was told this bill was to rectify a downshift to local communities that occurred during a Joint Legislative Committee on Administrative Rules hearing.

The Transportation Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HOUSE MESSAGE

The Clerk read the following Message from the House:

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 66, relative to nonresident fees for motorcycle rider education.

Sen. Rausch moves concurrence.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Kelly for a parliamentary inquiry.)

SENATOR KELLY: Yes, thank you, Mister President. I just have – I think it's a parliamentary question, or a question for our Chair. As you know, I sit on the Senate Transportation Committee, and we heard legislation and testimony on this bill and recommended passage to the House, but I just wonder if you could explain to me briefly the difference between a fee and tuition.

PRESIDENT BRAGDON: No. I do not believe that is the position of the Chair to be able to answer such a philosophical question as that.

Adopted.

HOUSE MESSAGE

The Clerk read the following Message from the House:

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

Sen. Bradley moves concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 33, (New Title) relative to the care and maintenance of war memorials in Franconia Notch state park.

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

HB 47, (New Title) relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.

HB 58, relative to inter-facility transfers of critical access hospital patients.

HB 71, authorizing establishment of pharmaceutical drug take-back programs.

HB 86, relative to filling a vacancy among county officers.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate.

HB 92, relative to expiration of licenses issued by the board of foresters.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility.

HB 132, adopting and implementing the United States flag code.

HB 143, relative to the sale of stove polish.

HB 144, relative to energy efficiency and clean energy districts.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program.

HB 262-FN, relative to beverage manufacturers.

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.

HB 474-FN, (New Title) relative to freedom of choice on whether to join a labor union.

HB 483-FN-L, relative to mosquito control.

HB 549, relative to driver's license reexaminations.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

HB 621-FN-L, relative to the authority of the department of transportation.

ANNOUNCEMENTS

PRESIDENT BRAGDON: I appreciate during the course of the debate on House Bill 474, we had a gallery full of people who are passionate on various sides of the measure who've conducted themselves in a very professional manner, and I applaud them for that.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: I just wanted to say, actually, there was a great article on the cover of the *Nashua Telegraph*; I was with three of my Senate colleagues: Senator D'Allesandro, Senator Merrill, and Senator Stiles. And, we had a great time at the 'No Labels' event last night that was at the New Hampshire Institute of Politics; it was my privilege to be with my esteemed colleagues.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. You alluded to the fact that we did have a little bit of a rancorous day early on, and I do feel kind of bad about that. And, I just wanted to state publicly that I know a lot of Senators have been under a lot of pressure, really about a lot of issues, but particularly the one we debated today. I especially want to voice my support for Senator Carson, who's had a lot of personal attacks, has really been stressed beyond measure over this issue. I want to apologize on behalf of some of the people who've done those things in your District because, candidly, some of those are friends of mine, and they should be ashamed of themselves, and I've conveyed that to them, quite frankly. And so, I just want to say that I appreciate Senator Carson a lot, and I feel awful about the fact that she's had these personal attacks and so forth, and I want to convey that.

And, I just want to say, too, that I do appreciate those that I opposed on that bill; I certainly hope that I personally have not said something offensive or something untoward; I don't want to be like that. I appreciate those, again, that have a different opinion. And, again, just, especially Senator Carson, I want you to know I really appreciate you and care about you.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. More of an observation and a concern as a Senator, that while some of us still have eternal hope and pray and kneel at the altar every single day of what the future could be for the Red Sox, I'm a little concerned about the box of ashes on

Senator Barnes' desk, and truly hope that it's not the ashes of a poor season of the Red Sox, but it's a hopeful encouragement that they will win from today for the rest of the 150-some-odd games that they have. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I think, in a bipartisan manner, I would like to echo the sentiments manifested by Senator White. Any time any one of us comes under attack, it's all of us; we all share in that responsibility, because we've all taken these jobs for the same reasons. And, that reason is to protect the public, to support the public, and to do what we can for the public. So, I, on behalf of certainly the other party, say to Senator Carson: having been in the same kind of a situation on a number of occasions, I can do nothing but have just great admiration for your ability to stand in there and, as my remarks will record, I think it's awful when something like that happens; I think it's just debilitating to the system, and it makes the system look arcane and archaic. This is a positive system, we want to promote positivism, and we want the work of the individuals to be recognized as good work, regardless of what side of the issue you're on. It's the quality of the work, the commitment to the work, that makes this body function, and it functions as a body of good people trying to do good things. Thank you, Mister President.

SENATOR BARNES: Let the record show that Senator D'Allesandro and I are shaking hands.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I'd just like to announce that Senate Finance Committee will have the public address them tomorrow about HB 1 and HB 2; tomorrow afternoon starting at 2:00 is the first session and starting at 6:00 is the second session – we'll see late we go. But, you're all welcome, and obviously the public's welcome to come and comment to the Senate.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President, just reminding my colleagues on the Senate Judiciary Committee that we'll be convening today at 1:00 in State House 100.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

CACR 12, relating to: public education. Providing that: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (Internal Affairs Committee.)

HB 61, relative to daylight saving time. (Public and Municipal Affairs Committee.)

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. (Commerce Committee.)

HB 160, relative to the powers of the joint committee on legislative facilities. (Internal Affairs Committee.)

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes. (Health and Human Services Committee.)

HB 248, establishing a commission to study business regulations in New Hampshire. (Commerce Committee.)

HB 291, relative to permissible fireworks. (Commerce Committee.)

HB 520-FN, requiring certain bills to have performance standard notes. (Finance Committee.)

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Commerce Committee.)

HB 651, allowing the sale and possession of monk parakeets. (Energy and Natural Resources Committee.)

HCR 6, a resolution requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. (Internal Affairs Committee.)

HCR 9, a resolution urging Congress to support H.R. 6416 or similar legislation relative to airport security. (Internal Affairs Committee.)

HCR 11, a resolution to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. (Internal Affairs Committee.)

HCR 12, a resolution urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. (Internal Affairs Committee.)

HCR 19, a resolution affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. (Internal Affairs Committee.)

April 15, 2011
2011-1446-EBA
09/03

Enrolled Bill Amendment to SB 26

The Committee on Enrolled Bills to which was referred SB 26

AN ACT establishing a committee to study the classification of motor vehicles.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 26

This enrolled bill amendment corrects a senate committee name.

Enrolled Bill Amendment to SB 26

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Two members of the senate, one of whom shall be a member of the transportation committee, appointed by the president of the senate.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**April 15, 2011
2011-1448-EBA
08/03**

Enrolled Bill Amendment to SB 35-FN-A

The Committee on Enrolled Bills to which was referred SB 35-FN-A
AN ACT relative to exemption from the definition of utility property
for purposes of the utility property tax.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 35-FN-A

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to SB 35-FN-A

Amend RSA 83-F:1, V(f) as inserted by section 1 of the bill by replacing line 4 with the following:

subject to tax under RSA 72:6, 72:7, and 72:8, but not exempt under RSA 72:23, that is

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 288, relative to payment for election services by unincorporated places.

SB 18, deleting a function of the central tax services unit.

SB 25, relative to the Connecticut River Valley resource commission.

SB 29, relative to the definition of "moped" and relative to motorcycle endorsements.

SB 31, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age.

SB 43, making a technical correction to the tobacco tax laws.

SB 60, relative to the definition of commercial motor vehicle.

SB 85, naming a bay in the town of Meredith Johnson Bay.

SB 140, relative to the disposition of military justice fines.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

April 27, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditation and prayer.

Good morning. Well, if you were around at 10:00 last Sunday morning, you might have noticed something a little bit unusual about the State House lawn: it was covered with eggs; around 1,200 of them. And then, a few moments later, it was covered with children. And, before you could say, "Happy Easter," the eggs were gone. You might still come across one or two if you look carefully.

Well, inside every single one of those eggs there was a gift. It might have been a balloon or a sticker or some candy or maybe even a couple of nickels. But, every single egg held something precious. So, by the end of the morning, each of those children was a little bit richer. And, each of those children holds some special gift. And, luckily we don't have to break them open to find out what those gifts are: gifts of humor and joy and creativity and enthusiasm and awe and wisdom and compassion, and every one of us is a little bit richer when we make time to appreciate them. Let us pray.

Lord, we bring before You the world of children. We bring their openness and friendliness, their sense of enquiry and creativity. Forgive our readiness to classify and divide, to label and separate. Forgive our voices of experience and our demand for their conformity. Help us to understand and encourage them, that their spirits may be lifted, their imaginations quickened, and their vision broadened, for Your world's sake. Amen.

Sen. Barnes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I'm pleased to recognize our Pages for today. Our first Page is Edward Marion. Edward, would you rise? Edward is a student at Manchester High School West, which is my wife's alma mater; all of my children went to Manchester High School West. His favorite subjects in school are science and history. His extracurricular activities include soccer, the NJROTC, photography, and the New Hampshire JAG. In the future, he hopes to go to college. Edward, welcome to the Senate.

Megan, you'll get better treatment. I'm pleased to introduce Megan Mann, who's also a senior at Manchester High School West. Her favorite subject is chemistry. Her extracurricular activities include DECA, the New Hampshire JAG, and volunteering at the animal shelter. I'm sure that Senator Rausch must have had an enormous amount of influence on you, because her goal in life is to be a distinguished veterinarian – a veterinarian of the highest regard. And, welcome to the Senate; thank you so much for volunteering.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 274-FN, HB 277-FN, HB 331-FN, HB 348-FN, HB 419-FN, HB 524-FN, HB 572-FN, HB 580-FN-L, HB 601-FN. Sen. Morse announces that the following bills that are still in Judiciary Committee will not come to Finance: HB 147-FN, HB 329-FN.

COMMITTEE REPORTS**COMMERCE**

HB 175, relative to technical changes in life, accident, and health insurance. Ought to Pass with Amendment, Vote 5-0. Senator White for the committee.

Commerce

April 19, 2011

2011-1492s

01/04

Amendment to HB 175

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Insurance Standards; Preexisting Conditions. Amend RSA 415-A:5 by inserting after paragraph II the following new paragraph:

III. For policies that meet the definition of health coverage under RSA 420-G:2, IX, an insurer may impose a preexisting condition exclusion period, but only if it is at least as favorable to covered persons as the following:

(a) No preexisting condition exclusion period shall extend beyond a period of 9 consecutive months after the date of enrollment of the person's health coverage; and

(b) Such preexisting condition exclusion period shall only apply to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received during the 3 months immediately preceding the enrollment date of health coverage.

SENATOR WHITE: Thank you, Mister President. I move that House Bill 175 Ought to Pass with Amendment. House Bill 175 as amended by the Committee is a technical corrections bill that was requested by the Insurance Department. The Committee adopts language that was requested by an insurance company and agreed to by the Insurance Department relative to preexisting conditions.

Please join the unanimous Commerce Committee and vote Ought to Pass with Amendment on House Bill 175. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. White asserts Rule 2-15 on HB 175.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on HB 175.

HB 405, relative to dissolving corporations. Re-refer to committee, Vote 5-0. Senator Houde for the committee.

SENATOR HOUDE: Thank you, Mister President. I move House Bill 405 be Re-referred to committee. This bill would, in essence, set the valuation

of shares established at the initial petition for dissolution of a corporation by the petitioning shareholder regardless of a subsequent devaluation of shares and election of the corporation itself to dissolve.

While members of the Committee saw merit to parts of the proposal, it is a departure from the New Hampshire Business Corporation Act and the model act upon which that is based, and therefore warrants further analysis. Moreover, the same issue is currently on hold in the Grafton County Superior Court, pending an appeal to the New Hampshire Supreme Court. The Committee was unanimous in its reluctance to pass legislation which could potentially and directly influence private litigants pending suit.

Please join the Commerce Committee and vote Re-refer HB 405. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 419-FN, relative to language in insurance certificates. Ought to Pass with Amendment, Vote 4-0. Senator White for the committee.

Commerce
April 19, 2011
2011-1491s
01/04

Amendment to HB 419-FN

Amend RSA 412:6-b, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Certificate holder" means any person, other than a policyholder, who possesses a certificate of insurance and is identified as the certificate holder on the certificate.

Amend RSA 412:6-b, II(a) as inserted by section 1 of the bill by replacing it with the following:

- (a) No person shall issue a certificate of insurance that:
- (1) Does not comply with the requirements of subparagraph (b).
 - (2) Is misleading, deceptive, or encourages misrepresentation.
 - (3) Violates any law.

Amend RSA 412:6-b, II(b)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) No certificate of insurance shall contain references to contracts, including construction or service contracts, other than the referenced contract of insurance, unless such reference is in relation to coverage or other requirements of the insurance contract.

Amend RSA 412:6-b, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) An insurance producer may charge a reasonable fee for providing a certificate.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Rulemaking Added. Amend RSA 412:43 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt rules, under RSA 541-A, relative to defining a reasonable fee for providing insurance certificates and circumstances in which a fee may be charged under RSA 412:6-b.

SENATOR WHITE: Thank you again, Mister President. I move House Bill 419-FN Ought to Pass with Amendment. This bill establishes the model law relative to content and form of insurance certificates.

House Bill 419-FN as amended by the Committee defines "certificate holder", states what information shall not be contained in the certificate of insurance, and allows for rulemaking authority to the Insurance Department.

Please join the Commerce Committee and vote Ought to Pass with Amendment on House Bill 419-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 601-FN, relative to implementation of federal health care reform. Ought to Pass with Amendment, Vote 4-0. Senator De Blois for the committee.

Commerce
April 19, 2011
2011-1493s
01/04

Amendment to HB 601-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Federal Health Care Reform. Amend RSA 400-A by inserting after section 66 the following new subdivision:

Federal Health Care Reform

400-A:67 Purpose and Scope.

I. The intent of this subdivision is to preserve the insurance regulatory authority of the state by authorizing the commissioner to enforce the insurance reforms required under Public Law 111-152 (hereinafter "Law").

II. Further, it is the intent of this subdivision to prevent the state of New Hampshire from defaulting into federal oversight regarding the Law by not meeting certain federally-mandated time frames measuring the progress being made of state-implemented requirements under the Law. It is not the intent of this subdivision to commit the state of New Hampshire to the full implementation of the Law, but rather to preserve the state's options regarding the implementation as each requirement arises.

III. The provisions of this subdivision shall ensure that New Hampshire residents obtain the protections and benefits provided by the Law, notwithstanding the affirmative choice of the general court of the state of New Hampshire not to participate in some or all of the Law's provisions.

400-A:68 Implementation of the Law.

I. The general court shall determine any policy regarding implementation of the Law if it is determined that the state of New Hampshire is required to implement such Law. The insurance commissioner, or designee, shall develop recommendations in conjunction with the joint health insurance reform oversight committee, established in RSA 400-A:69, prior to the enforcement of the Law. In addition, any state official or agency that seeks to enforce the provisions of the Law shall develop recommendations in conjunction with the oversight committee.

II. The commissioner may, in limited circumstances, enforce provisions of the Law before consultation with the oversight committee when unforeseen circumstances or situations could cause harm to individuals or the insurance market generally, or immediate harm to the state of New Hampshire, if consultation with the oversight committee is not

immediately practical, or if such administration and enforcement is a matter of the usual and customary day-to-day administrative and enforcement policies of the department generally. In such cases, the commissioner shall inform the oversight committee as soon as practical for consultation.

400-A:69 Joint Health Insurance Reform Oversight Committee Established.

I. There is established a joint health insurance reform oversight committee consisting of 5 members as follows:

(a) Two members of the senate, appointed by the senate president.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. The terms of the members shall be for the biennium and shall be coterminous with their membership in the general court. The committee shall elect a chairman from its membership. The committee shall meet at the call of the chairman who may call a meeting as often as necessary.

III. The committee shall provide legislative oversight, policy direction, and recommendations for legislation to implement the Law as it determines appropriate.

IV. The committee shall make a report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the chairpersons of the house and senate committees having jurisdiction over commerce issues and the house and senate committees having jurisdiction over health and human services issues by October 1, 2011 and annually thereafter.

400-A:70 Authority of the Commissioner. The commissioner shall enforce the consumer protections and market reforms as set forth in the Law that relate to insurance. This shall not include the medical assistance program under RSA 167. The commissioner, in consultation with the oversight committee established in RSA 400-A:69, shall have authority to:

I. Make, adopt, and amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Law relating to insurance;

II. Apply for any grant funds available under the Law; and

III. Adopt and apply standards consistent with the Law for form and rate review of insurance products and any other regulatory oversight functions performed by the department.

2 Contingency. RSA 420-L, relative to federal health care reform, shall be repealed upon the effective date of this act and 2010, 243:15 and 2010, 243:16 shall not take effect.

3 Effective Date. This act shall take effect upon its passage.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 601-FN Ought to Pass with Amendment. House Bill 601-FN as amended by the Committee is intended to preserve the insurance regulatory authority of the State by authorizing the Commissioner of Insurance to enforce the insurance reforms required under the Patient Protection and Affordable Care Act.

Another goal of this legislation is to prevent New Hampshire from defaulting into federal oversight by not meeting certain federally mandated timeframes measuring the progress being made by the state-implemented requirements under the law. In no way is this legislation intended to commit New Hampshire to the full implementation of the law, but rather to preserve the State's options regarding implementation as each requirement arises.

Please join the Commerce Committee in the unanimous vote of Ought to Pass on House Bill 601-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 331-FN, relative to posting agency expenditures on the state transparency website. Ought to Pass, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move House Bill 331-FN Ought to Pass. House Bill 331-FN will place the State checkbook online. This legislation is designed to place all financial data on the State website, securing people's privacy, and at the same time giving a level of disclosure. The technology is available, and it is only a matter of creating an interface to display this data to the public.

The Department of Administrative Services stated that they will be able to incorporate this into their planned expansion for their site in fiscal year 2012 with no fiscal impact to the Department.

The Senate ED&A Committee voted in favor 4-0 Ought to Pass, and we therefore ask for your support for its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision. Ought to Pass, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move House Bill 503 Ought to Pass. House Bill 503 was a request on behalf of the Electrical Contractors Business Association and in conjunction with the licensing board and IDW Local 49.

HB 503 will allow a master electrician to have two apprentice electricians working under his or her direct supervision on a job site. Presently, only one apprentice electrician is allowed by state law. This bill will allow people to get into the industry, allowing companies to add an additional apprentice if they have a master electrician to oversee each two of them.

The Senate ED&A Committee voted in favor 4-0 Ought to Pass and we therefore ask for your support for its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

April 21, 2011

2011-1527s

10/03

Amendment to HB 580-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study collective bargaining by public employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study collective bargaining by public employees.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study matters as it deems necessary related to public employer collective bargaining agreements with public employees under RSA 273-A.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2011.

6 Effective Date. This act shall take effect upon its passage.

2011-1527s

AMENDED ANALYSIS

This bill establishes a committee to study collective bargaining by public employees.

SENATOR CARSON: Thank you, Mister President, and good morning. I move House Bill 580-FN-L Ought to Pass as Amended. 580, as amended by the Senate ED&A Committee, has replaced the entire bill with a legislative study committee. This study committee will be looking at the issues raised by collective bargaining.

The ED&A Committee voted unanimously 5-0 in favor of Ought to Pass as Amended and we ask for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 524-FN, relative to the release of prisoners on probation or parole. Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

Senate Judiciary

April 15, 2011

2011-1444s

04/09

Amendment to HB 524-FN

Amend the title of the bill by replacing it with the following:

AN ACT excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Amend the bill by replacing all after the enacting clause with the following:

1 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

(b) A prisoner convicted of a nonviolent offense *who has not been previously convicted of a sexually violent offense as defined in RSA 135-E:2, XI, aggravated felonious sexual assault pursuant to RSA 632-A:2, felonious sexual assault pursuant to RSA 632-A:3, sexual assault pursuant to RSA 632-A:4, I(a)-(b), kidnapping pursuant to RSA 633:1, I, first degree assault pursuant to RSA 631:1, I, possession of child sexual abuse images pursuant to RSA 649-A:3, I, or distribution of child sexual abuse images pursuant to RSA 649-A:3-a, I* shall be released on parole upon serving 120 percent of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, *unless the parole board votes to deny such release.*

2 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c) ~~[All prisoners who have not been previously paroled]~~ *A prisoner who has not been previously paroled*, or who ~~[were]~~ *was* recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence, *unless the parole board votes to deny such release.* This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

3 Effect of Recommittal. Amend RSA 651-A:19 to read as follows:
651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, *or may be subject to an extended term of recommitment pursuant to paragraphs III and IV.* The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that provides]~~ *provided access to* focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

(a) The prisoner has previously been recommitted for a parole violation; or

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and

(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or

(2) The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of

supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or

(3) Both subparagraphs (1) and (2); or

(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or

(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.

IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:

(1) The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommitment period; or

(2) The prisoner received one or more major disciplinary violations during the 90-day recommitment period.

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:

(a) The prisoner has not been previously recommitted for a parole violation;

(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;

(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;

(d) The parole violation is not substantially related to his or her offense or offending pattern; and

(e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.

4 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the [anticipated]

potential release on parole pursuant to RSA 651-A:6, I(c), except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

5 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release on parole pursuant to RSA 651-A:6, I(c), or upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

6 Probationers and Parolees; Risk Assessment and Length of Supervision. Amend RSA 504-A:15, III-IV to read as follows:

III. Any person placed on probation for a felony shall be subject to active supervision for up to the first 12 months and thereafter be placed on administrative supervision unless the probationer has been designated high risk [or], has been adjudicated by the court for a violation of the conditions of probation during the first 12 months under supervision, **or was placed on probation for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

IV. Any person placed on parole for a felony shall be subject to active supervision for up to the first 18 months and thereafter be placed on administrative supervision unless the parolee has been designated high risk [or], has violated the conditions of parole during the first 18 months under supervision, **or was placed on parole for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

7 Effective Date. This act shall take effect upon its passage.

2011-1444s

AMENDED ANALYSIS

This bill:

I. Excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so.

II. Provides the parole board with greater discretion to recommit a person who reoffends while on mandatory early supervised release.

III. Requires that an offender placed on probation or parole for conviction of a felony offense that would require registration as a sexual offender or an offender against children shall not be placed on administrative supervision.

SENATOR CARSON: Thank you again, Mister President. I move Ought to Pass with Amendment on House Bill 524-FN. This legislation amends SB 500, which was adopted in a prior session to provide mandatory supervision as a condition of release from prison for certain offenders.

Numerous individuals at the public hearing spoke of how the Senate's version of Senate Bill 52 was preferable to the provisions offered in House Bill 524. Therefore, the committee amendment changes the bill to the position adopted by the Senate in Senate Bill 52-FN.

The Judiciary Committee recommends that House Bill 524-FN be adopted with amendment and welcomes your continued support on this important policy improvement. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 572-FN, relative to official oppression. Inexpedient to Legislate, Vote 3-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Inexpedient to Legislate on HB 572. This legislation sought to revise and expand the statute dealing with official oppression by making it either a Class B misdemeanor or a violation, depending on whether the public servant acted with a purpose to benefit oneself or to harm another.

There were numerous problems with the bill as presented, and concern was shared that the statute could be greatly abused and have the unintended consequence of being a tool for harassment.

With the consent of the prime sponsor of the bill, the Judiciary Committee recommends that HB 572 not be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

HB 56, relative to proper observance of September 11, 2001. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 56 Ought to Pass. This bill requires the Governor to issue a proclamation calling for proper observance of September 11, 2001, in remembrance of persons who lost their lives on that day.

The intent of the bill is not to declare a state holiday on September 11, but rather to call on the people of New Hampshire to observe the day with appropriate ceremonies and honor those we lost, including residents of our own state.

The Public and Municipal Affairs Committee recommends House Bill 56 be adopted and we ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 198, relative to the investment options for county funds. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 198 Ought to Pass. Presently, county treasurers are able to invest excess funds in obligation to the United States Treasury. This bill would allow for the additional investment of excess funds into pooled money market funds limited to those invested in Treasury obligations. This action expands the investment options for county treasurers and allows them a means to lower risk by broadening their base of investment.

The Public and Municipal Affairs Committee recommends House Bill 198 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PRESIDENT BRAGDON: This would be a good time to mention that we have some guests in our gallery today. These are students from the Well School in Peterborough, which happens to be in my Senate District. Welcome to the Senate.

HB 251, relative to absentee ballots. Ought to Pass, Vote 3-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move House Bill 251 Ought to Pass. This bill, sponsored on behalf of the Secretary of State's Office, modifies procedures for delivery and acceptance of absentee ballots.

The changes contained in the bill are in conjunction with the federal Military and Overseas Voter Empowerment Act. It allows city and town clerks to consider a federal write-in absentee ballot submitted by an overseas citizen or a military voter as a request for an official absentee ballot. The absentee ballot would then be sent to the voter so that they could vote for all options that would otherwise be available to them on the ballot.

The bill clarifies in statute that voters uniformed and overseas U.S. citizens who vote absentee are the only voters entitled to receive an absentee ballot electronically. If any absentee ballots are received from UOCAVA voters after the election, they are not counted. That status must be designated on the centralized voter database, and the ballots must be preserved for the statutory timeframes.

The Public and Municipal Affairs Committee recommends that House Bill 251 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 274-FN, relative to voting procedures. Ought to Pass, Vote 4-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 274 Ought to Pass. This bill, sponsored on behalf of the Secretary of State's Office, makes various technical changes relating to voting procedures in conjunction with the Military and Overseas Voter Empowerment Act. These changes include requiring town clerks to maintain an official email address and ensure current street address information is publicly available to voters. Polling locations and hours must be maintained on the statewide centralized voter registration database. In addition, section 3 of the bill strikes the phrase: "unless successfully challenged" from RSA 659:12. Removal of this phrase from the statute pertaining to who can vote will allow RSA 659:12 to remain consistent with RSA 659:27 regarding the challenge of a voter and the required affidavit affirming accuracy of identification.

The Public and Municipal Affairs Committee recommends House Bill 274 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

WAYS AND MEANS

HB 156-FN-A, reducing the rates of the tobacco tax. Inexpedient to Legislate, Vote 3-3. Senator Odell for the committee.

Sen. Gallus is in opposition to the motion of Inexpedient to Legislate on HB 156-FN-A.

Sen. Odell moved to Lay on the Table HB 156-FN-A. Adopted.

Sens. Carson, Forsythe, and Sanborn are in opposition to the motion to Lay on the Table HB 156-FN-A.

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. Ought to Pass, Vote 5-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 187 Ought to Pass. This bill extends the carry forward period for the business enterprise tax credit against the business profits tax from five to ten years. This will offer businesses greater flexibility in using the BET credits they earn. In particular, this will be of benefit to start-up companies, as it often takes several years before they turn a profit. Extending the carry forward period to ten years would give them the opportunity to use the credits they earn once they become profitable.

House Bill 187 will help improve the overall business climate in New Hampshire. The Ways and Means Committee asks your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I move House Bill 277 Ought to Pass. This bill was requested by the Department of Safety in order to comply with federal law after the issue was brought up during an audit.

In 2007, the Legislature authorized New Hampshire's participation in the Unified Carrier Registration System, which deals with the registration of heavy commercial vehicles. At the time, the Legislature decided that the revenues the State received from the UCR System would be deposited into the General Fund. However, federal law requires that proceeds from the UCR System go to promote motor carrier safety programs and cover costs associated with administering the UCR System. Currently, the System is administered within the Division of Motor Vehicles and the Highway Fund covers the cost. This bill brings New Hampshire into compliance with federal law by requiring that the fees collected under the UCR System be deposited into the Highway Fund.

The Ways and Means Committee recommends that this legislation be adopted and asks for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. Ought to Pass with Amendment, Vote 6-0. Senator Bradley for the committee.

Senate Ways and Means**April 19, 2011****2011-1490s****08/10****Amendment to HB 348-FN**

Amend the title of the bill by replacing it with the following:

AN ACT relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

Amend the bill by replacing all after the enacting clause with the following:

1 Unclaimed Ticket Vouchers. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association, or corporation conducting a race or race meet, whether live racing or simulcast racing, hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets *and vouchers* which have not been redeemed. The books or records of said person, association, or corporation, which clearly show the tickets entitled to reimbursement in any given race, live or simulcast, shall be forwarded to the commission. Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the amount due on any ticket *or voucher* to the holder thereof from funds not otherwise appropriated upon an order from the commission. Pari-mutuel tickets *and vouchers* which remain unclaimed after 11 months shall not be paid. *Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.*

2 Definitions; Game Operator. Amend RSA 287-D:1, V to read as follows:

V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, [or] handling chips, *or providing accounting services or security functions.*

(c) *"Game operator employer" means a primary game operator or a business entity who employs, supervises, and controls game operators and who is hired by a charitable organization to operate games of chance on its behalf. The owner of 10 percent or more of the entity, partner, managing member, or chief executive of a business entity who serves as a game operator employer must be licensed as a primary game operator.*

3 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-b, I(d) to read as follows:

(d) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may employ, by means of a written agreement, a [primary] game operator *employer or a primary game operator* licensed under RSA 287-D:2-c to operate games of chance on their behalf.

4 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, III to read as follows:

III. An applicant for a primary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, a license shall be issued. **A primary game operator license issued under RSA 287-D:2-c shall expire on December 31. The racing and charitable gaming commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter. An applicant for a secondary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, which shall not exceed \$45, a license shall be issued. A secondary game operator license issued under RSA 284-D:2-c shall expire on the last day of the month of the licensee's birthday.**

5 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, VI to read as follows:

VI. Any license issued under RSA 287-D:2-a or RSA 287-D:2-c shall not be transferable and the fees for the license shall not be refunded except for good cause shown as specified in rules adopted by the racing and charitable gaming commission. ***Nothing in this section shall prevent a licensee from working for different licensed entities. A licensee who works for more than one game operator employer during the licensed period shall have a separate badge for each game operator employer and pay a separate fee for each badge.***

6 Bond; Game Operators. Amend RSA 287-D:2-b, VIII to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including ~~[prizes of more than \$500]~~ **prizes of \$500 or more** and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including ~~[prizes of more than \$500 and]~~ equipment and hall rental fees shall be paid by check **or electronic fund transfers** from the account established in RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission. ***Prizes of \$500 or more shall be paid by check from the account established in RSA 287-D:2-c, VI.***

7 Bond; Game Operators. Amend RSA 287-D:2-c, V to read as follows:

V. ***Prior to conducting any games of chance***, the game operator or the game operator's employer shall submit a bond for each location where the game operator is conducting games of chance, conditioned upon the game operator running games of chance in conformity with this chapter and with the rules and regulations prescribed by the racing and charitable gaming commission, in the amount of up to ~~[\$300,000]~~ **\$500,000 but not less than \$25,000** to the racing and charitable gaming commission with the application form. ***The amount of the bond in excess***

of \$25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes.

8 New Paragraph; Licensing of Game Operators. Amend RSA 287-D:2-c by inserting after paragraph VII the following new paragraph:

VIII. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the charitable organization and the game operator or game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than 5 business days following the date on which a game was conducted. Notwithstanding the provisions of any agreement with the charitable organization, the game operator or game operator employer shall pay over all moneys due to the charitable organization no later than 15 business days following a game date.

9 Wagering; Game Operators. Amend RSA 287-D:3, VII to read as follows:

VII. Unless a charitable organization rents a facility from a [primary] game operator ***employer or a primary game operator*** licensed under RSA 287-D:2-c, the charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. If a charitable organization rents a facility from a licensed game operator under RSA 287-D:2-c, the charitable organization shall retain no less than 35 percent of the gross revenues from any games of chance minus any prizes paid in accordance with RSA 287-D:3, VIII. Any rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the racing and charitable gaming commission. Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid is less than zero dollars, during a license period with a single game operator.

10 Wagering; Game Operators. Amend RSA 287-D:5, I to read as follows:

I. A charitable organization [or], a licensed [primary] game operator ***employer, or a primary game operator*** under contract to conduct games of chance on behalf of a charitable organization ***and designated by the charitable organization to be responsible for submitting financial reports*** shall submit a complete financial report for all game dates licensed under RSA 287-D:2 and RSA 287-D:2-a to the racing and charitable gaming commission on forms approved by the racing and charitable gaming commission within 15 days of the end of each month during which a game of chance was held.

11 Operation of Bingo Games; Penalty Added. Amend RSA 287-E:7, XVI to read as follows:

XVI. In not more than one game conducted in accordance with [RSA 287-E:7,] ***paragraph XIII***, a carry-over, cover-all game may be run with the prize money rolled over to the successive game dates in the event that there is no winner on the original or preceding game dates. Notwithstanding any provision of law to the contrary, the prize money may accumulate until there is a winner. The prize shall be awarded to any winner covering all 24 numbers on the card in less than 50 numbers, or a greater number if so designated prior to the game. If there is no winner on a given game date, a pre-designated consolation prize shall be awarded to the game winner who first achieves cover-all. The balance of

the [~~monies~~] **moneys** collected shall be carried over to subsequent game dates until there is a winner. **Any person who purposely, knowingly, or recklessly deprives a charitable organization of any of its moneys collected from bingo or lucky 7 or any person who purposely, knowingly, or recklessly deprives players of any prizes collected from bingo or lucky 7, shall be guilty of a class A felony.**

12 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, I to read as follows:

I. A charitable organization which has been licensed to conduct bingo games shall submit a complete financial report to the commission for each license issued under RSA 287-E:6 within 15 days after the expiration of each license; provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under [~~RSA 287-E:6, I-a~~] **RSA 287-E:6, II.**

13 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, IV to read as follows:

IV. All charitable organizations licensed under this chapter shall maintain a separate checking account for the deposit and disbursement of all income relating to bingo and lucky 7, except cash prizes awarded at the games. All expenses shall be paid by check, [~~and all prizes of \$500 or more shall be paid by check~~] **or electronic funds transfers. All prizes of \$500 or more shall be paid by check.** There shall be no commingling of bingo and lucky 7 funds with other funds of the charitable organization. The organization shall retain all cancelled checks for the payment of expenses and prizes for at least 2 years. The organization may cash checks which it issues.

14 Campground Bingo. Amend RSA 287-E:12 to read as follows:

287-E:12 Bingo [~~License~~] for Private Campgrounds and Hotels. Any private campground or hotel may [~~apply to the commission for a special campground or hotel bingo license. Licenses may be granted under the following conditions~~] **conduct bingo games provided:**

[~~I. The bingo license application fee shall be \$25 per year and shall be nonrefundable.~~

[~~H. The provisions of RSA 287-E:6, IV and RSA 287-E:7, IV and VI relating to bingo licenses and the operation of games for charitable organizations shall also apply to licenses issued under this section.~~

[~~HH.] I. The price to be paid for a single card or play under the license shall be \$.10.~~

[~~IV. A license shall permit no more than 2 game dates of bingo in any one calendar week and shall be issued on an annual basis.~~

V.] **II.** All revenues received from the sale of bingo cards in any game or series of games on any one calendar day shall be paid out to the players. The total value of all prizes, tokens, or awards used, given, offered, or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

[~~VI.] III.~~ Games shall be operated only by persons on the staff of the campground or hotel [~~holding the license under this section~~]. Such staff shall operate the games without compensation from the bingo revenues.

[~~VH.] IV.~~ The games of bingo shall be open only to persons 18 years of age or older who are bona fide guests at the campground or hotel.

[~~VIII.~~ Licenses shall be granted only to campgrounds or hotels in cities or towns which have approved bingo under RSA 287-E.

[~~IX.] V.~~ No campground or hotel shall act as an agent for operating games of bingo when it is unlawful for such campground's or hotel's principal to operate bingo games.

~~[X. The campground or hotel holding the license issued under this section shall keep records and submit a report as required for agricultural fairs under RSA 287-E:10, VIII, except that the report shall be submitted to the commission within 15 days of the expiration of the bingo license. The report shall include the names and addresses of persons from whom bingo equipment was rented or leased.~~

~~XI.] VI.~~ The campground or hotel shall have been in existence for at least 2 years in the city or town in which the bingo games are to be conducted.

~~[XII. The campground or hotel shall be in compliance at the time of application with all applicable state and local requirements for the operation of private campgrounds or hotels.~~

~~XIII.] VII.~~ The campground or hotel shall maintain a current list of bona fide guests.

~~[XIV.] VIII.~~ The campground or hotel shall not have been established solely for the purpose of operating bingo games.

15 Campground Bingo. Amend the introductory paragraph RSA 287-E:13 to read as follows:

Any campground or hotel ~~[holding a license under RSA 287-E:12]~~ may conduct special bingo games for children under the conditions specified in RSA 287-E:12, except:

16 Payment to Distributor. Amend RSA 287-E:23-a to read as follows:

287-E:23-a Payment to Distributor. Licensees shall pay for purchased tickets no later than 30 *calendar* days after delivery. ***Unless a waiver is given by the commission for good cause shown, no charitable organization may purchase tickets from a different distributor when that charitable organization has failed to comply with the provisions of this section.***

17 Financial Reports and Inspection Required. Amend RSA 287-E:24, IV to read as follows:

IV. All expenses ***shall be paid by check or electronic funds transfers***, and all cash prizes ~~[over]~~ ***of \$500 or more*** shall be paid by check, and the charitable organization shall retain cancelled checks ***or bank produced facsimiles of cancelled checks*** for the payment of expenses and ***checks or bank produced facsimiles of checks and receipts for the payment of prizes*** for a period of 2 years.

18 Campground Bingo. Amend RSA 287-E:4, II to read as follows:

II. Such fee shall be submitted to the commission at the time the application for a bingo license is filed and~~[-except as provided in RSA 287-E:12],~~ shall be refunded if the application is denied.

19 Games of Chance. Amend RSA 287-D:2-b, II-a to read as follows:

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, ~~[operators of games of chance]~~ ***game operators*** may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

20 Games of Chance. Amend RSA 287-D:2-b, VII-a to read as follows:

VII-a. Notwithstanding any other provision of law, a member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the racing and charitable gaming commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator ~~[or the employer of the game operator]~~.

21 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a)-(c) to read as follows:

(a) The name and social security number of the *primary or secondary* game operator, or for ~~[an organization]~~ *a game operator employer* the name and federal tax identification number. The racing and charitable gaming commission shall not disclose any social security number submitted;

(b) The name, ~~[of the game operator's employer and the employer's]~~ address, and telephone number *of the game operator employer*;

(c) A list of the *known* ~~[games of chance]~~ *game dates* in which the game operator will participate including the ~~[date]~~ *name* of the game, the location of the game, and the charitable organization holding the game;

22 Licensing of Game Operators. Amend RSA 287-D:2-c, VI to read as follows:

VI. To be eligible for licensure under this chapter, a licensed *game operator employer or primary* game operator shall maintain an account at a financial institution with at least one branch.

23 New Section; Surveillance Requirements. Amend RSA 287-D by inserting after section 2-d the following new section:

287-D:2-e. Surveillance Requirements.

I.(a) A game operator employer conducting games of chance at a facility that is required to be licensed pursuant to RSA 287-D:2-a, VI shall conduct and record, at the expense of the game operator employer, video surveillance that allows clear, unobstructed views of cashier transactions, table games where cash wagers are accepted, and the counting of money from storage boxes removed from a gaming table. A game operator employer which is authorized to conduct games of chance for no more than 50 calendar days in a calendar year at a particular location may petition the commission to adopt an alternate method of oversight of cash transactions in lieu of the surveillance requirements in this section. Upon approval of any such alternative method of oversight of cash transactions by the commission, the game operator employer may conduct games of chance at such location for not more than 50 calendar days at the particular location in a calendar year. The game operator employer shall be responsible for all costs and expenses associated with implementation of the alternative method of oversight as approved by the commission.

(b) Surveillance shall include the customer, the employee, and the surrounding area and shall monitor and record with sufficient clarity to identify employees and customers in all areas where currency is counted, verified, sorted, stacked, or stored, including monitoring and recording all table game drop boxes, safes, and counting surfaces, and all cashier personnel. The counting surface area shall be continuously monitored and recorded by a dedicated camera during the count.

(c) Access to the surveillance equipment shall be limited to management personnel, designated employees, state regulators, and other persons authorized in accordance with the surveillance policy.

(d) The game operator employer shall ensure at least one person at the facility while games of chance are being conducted is trained in the use of the equipment, knowledge of the games, and all applicable regulations.

(e) Each camera required by these regulations shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by customers or employees.

(f) Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within 72 hours after the malfunction is discovered.

(g) In the event of a dedicated camera malfunction, the gaming operator or the surveillance person shall immediately provide alternative camera coverage or other security measures.

II. The surveillance system, at a minimum, shall:

(a) Have an auxiliary or backup power source shall be available and capable of providing immediate restoration of power to all elements of the surveillance system.

(b) Include date and time generators that possess the capability to display the date and time of recorded events on all digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

(c) Utilize cameras that possess the capability of having its picture displayed on a monitor and recorded.

(d) Include sufficient numbers of monitors and recorders to simultaneously display and record multiple table games and count room activities, and record the views of all dedicated cameras and motion-activated cameras.

(e) Record at 30 frames per second or its equivalent.

III.(a) All digital records of coverage provided by cameras required by the standards in this section shall be retained for a minimum of 30 days.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of investigations by management personnel, shall be retained for a minimum of 90 days.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(f) All recordings may be destroyed after a period of 90 days.

24 New Paragraph; Surveillance. Amend RSA 284:12 by inserting after paragraph X the following new paragraph:

XI. Surveillance regulations pursuant to RSA 287-D:2-e.

25 New Paragraph; Racing and Charitable Gaming Commission; Authorization of Electronic Gaming. Amend RSA 284:6-a by inserting after paragraph V the following new paragraph:

VI. The racing and charitable gaming commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine or historic racing machine. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to January 1, 2011 with updated or new equipment which are the functional equivalent of the machines which are being replaced. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

26 New Paragraph; Lottery Commission; Authorization of Electronic Gaming. Amend RSA 284:21-h by inserting after paragraph V the following new paragraph:

VI. The commission shall not authorize the use of any electronic gaming device in any game, lottery or other offering which was not in use by the commission on or before January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and device used for the purpose of gaming, whether in physical presence or through the Internet, and shall include video slot machines and other gambling devices which function or are designed to emulate a video slot machine or other gambling machine, historic racing machine, and computer technology to reveal instant ticket winners. This section shall not be interpreted to prohibit the commission from replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new offerings, games or equipment which are the functional equivalent of those offerings, games or equipment which are being replaced.

27 Racing and Charitable Gaming Commission; Lucky 7; Authorization of Electronic Gaming. RSA 287-E:21, III-a is repealed and reenacted to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities. The commission may authorize electronic lucky 7 ticket dispenser devices so long as those devices have been certified by a testing laboratory, authorized and approved by the commission, as meeting the following criteria: communication with a server to obtain the next available ticket in a finite game set; offer only the game approved by the commission; assure that each game set is totally exhausted; possess the ability to retain accounting information in the event of a power failure; have the ability to accept \$1, \$5, \$10 and \$20 bills; have individual programmable ticket values; contain a tamper-proof money receptacle; dispense a paper ticket; dispense a redemption certificate and an electronically produced lucky 7 ticket that comply with commission rules; have a distinctive serial number; and have system servers that interface with the manufacturer's secure website database that is capable of tracking each charity location, vendor, terminal game form, game set, ticket number and time of sale for each ticket purchased.

28 Effective Date.

I. Sections 1 through 22 and sections 25 through 27 of this act shall take effect 60 days after its passage.

II. Section 23 of this act shall take effect January 1, 2012.

III. The remainder of this act shall take effect upon its passage.

2011-1490s

AMENDED ANALYSIS

This bill:

I. Defines game operator employers.

II. Requires that game operators pay charities participating in charitable gaming no later than 15 business days following a game date.

III. Raises the amount of bond required for conducting games of chance.

IV. Requires charitable organizations to collect certain fees on lucky 7 deals and pay them to the racing and charitable gaming commission.

V. Allows private campgrounds and hotels to conduct certain bingo games without a license.

VI. Prohibits the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices in the state.

Sen. Bradley moved to Lay on the Table HB 348-FN. Adopted.

Sen. Bradley moved to remove HB 426 from the table. Adopted.

HEALTH AND HUMAN SERVICES

HB 426, adding certain entities to the unused prescription drug program.

The pending question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Rausch moved to remove HB 397 from the table. Adopted.

TRANSPORTATION

HB 397, relative to image display devices in motor vehicles.

SENATOR RAUSCH: Thank you, Mister President. I would request that we vote no on the committee amendment so that I may offer the Floor Amendment 1542.

The pending question is on the adoption of the Committee Amendment. Failed.

Sen. Rausch offered a floor amendment.

Sen. Rausch, Dist. 19

April 22, 2011

2011-1542s

03/04

Floor Amendment to HB 397

Amend RSA 266:75, IV as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) Image display devices that permit the driver to monitor horses or livestock in a vehicle intended to carry horses or livestock, or in a trailer being towed by the vehicle.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR RAUSCH: Thank you, Mister President. The floor amendment does two things, the first of which: In my quest to make sure that we protect our friends who are traveling with us, this allows the image display devices that permit the driver to monitor horses or livestock in a vehicle intended to carry horses or livestock or in a trailer being towed by the vehicle. And, the second thing this amendment does is it takes effect upon passage so that all of you may rush out, buy the new technology, and help our business community.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

- HB 56**, relative to proper observance of September 11, 2001.
- HB 175**, relative to technical changes in life, accident, and health insurance.
- HB 198**, relative to the investment options for county funds.
- HB 251**, relative to absentee ballots.
- HB 274-FN**, relative to voting procedures.
- HB 277-FN**, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.
- HB 331-FN**, relative to posting agency expenditures on the state transparency website.
- HB 397**, relative to image display devices in motor vehicles.
- HB 419-FN**, relative to language in insurance certificates.
- HB 426**, adding certain entities to the unused prescription drug program.
- HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision.
- HB 524-FN**, (New Title) excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.
- HB 580-FN-L**, (New Title) establishing a committee to study collective bargaining by public employees.
- HB 601-FN**, relative to implementation of federal health care reform.

LIST OF RULE 2-15'S FOR THE DAY

Sen. White: HB 175.

ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Point of personal privilege, if I might. Mister President, last Thursday the Senate Finance Committee held a public forum on the budget. That public forum was the largest attendance I've ever seen at a public forum. The entire legislative area was full and the gallery was full. And, I want to point out one thing that makes me so proud to be a Senator in the State of New Hampshire: that people came up to the Chair afterwards and said: "The courtesy extended by this committee and the way this committee was conducted is an example of people having an opportunity to express their opinion." And, I think the Chair ran a terrific committee; he ran a terrific session, and he deserves a great deal of credit for the way he handled that session. It was difficult; these are very difficult times. But, the key element to me was the courtesy extended to every citizen of the State of New Hampshire, the courtesy to speak their mind, and they were all given an opportunity. He extended the time in the afternoon session by an hour; we were there 'til 11:30 in the evening. Mister President, you're a member of that committee. And, I think it's an example of really what the public demands of its public officials: courtesy, and the ability of those individuals to express their opinion. So, my kudos to the Chair, my thanks to the Chair, for once again proving that the Senate is

a deliberative body, it's a body that listens, it's attentive to detail, and it gives everyone the opportunity to speak, and that's the mark of true public service. Thank you, Mister President.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I'd like to take a personal privilege for a moment. I – this is a little hard for me to say, but I want to say thank you to all of you for all the kind words. I'm warmly grateful for it; it's helped me to get along for the first couple of days after my accident. And, I also have a message that I'd like to bring to the Senate from my wife, and in particular to Senators Kelly and Larsen, who were there at the hospital, who helped my wife in those difficult moments, and I want to say thank you to both of you from her. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I just want to let everybody know that Senator Forrester and I were privileged to go next door and present a resolution for Bob Lawton, who's had his 80th birthday. Bob Lawton is the original founder of Funspot, the Guinness Book's world's largest arcade in the world. And, he's the person – and my good friend, Senator Barnes, will be happy to hear this – that gave us General John Stark Day; he sponsored that bill. And, he also sponsored the change from "Scenic" being our motto to "Live Free or Die". So, it was a great honor to present him that resolution on behalf of the Senate. Thank you.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 130-FN-A, repealing the tax on gambling winnings.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 57, relative to regulation of title loan lenders.

SB 62, relative to persons participating in the return to work program.

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways.

SB 173, proclaiming January 24, 2012 as Granny D. Day.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 71, authorizing establishment of pharmaceutical drug take-back programs.

HB 444-FN, relative to the commemoration of General John Stark Day.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

CACR 6, relating to: taxation. Providing that: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (Internal Affairs Committee.)

HB 114, reinstating and expanding the duties of the joint legislative historical committee. (Internal Affairs Committee.)

HB 190, relative to legislative study committees. (Internal Affairs Committee.)

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. (Internal Affairs Committee.)

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. (Internal Affairs Committee.)

HB 648, relative to eminent domain petitions by public utilities. (Judiciary Committee.)

HCR 22, a resolution declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location. (Commerce Committee.)

April 18, 2011
2011-1469-EBA
04/09

Enrolled Bill Amendment to HB 142-FN

The Committee on Enrolled Bills to which was referred **HB 142-FN**
AN ACT relative to sales of artificial flowers and miniature flags.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 142-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 142-FN

Amend section 1 of the bill by replacing line 1 with the following:

1 Repeal. The subdivision heading preceding RSA 320:17 and RSA 320:17 through 320:19, relative

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 19, 2011

2011-1480-EBA

06/03

Enrolled Bill Amendment to HB 571-FN

The Committee on Enrolled Bills to which was referred HB 571-FN

AN ACT relative to lobster and crab licenses issued by the fish and game department.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 571-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 571-FN

Amend RSA 211:18, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Any individual who possessed a valid limited commercial lobster and crab license prior to

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

HB 46, relative to the membership of the current use advisory board.

HB 63, extending the instream pilot program for one year.

HB 69, relative to the community college system of New Hampshire academic centers.

HB 79, relative to certification of dogs for law enforcement work.

HB 80, relative to ranks in the division of state police.

HB 88, relative to liquor enforcement and liquor licensing.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business.

HB 106, relative to filing for town offices.

HB 111, relative to redispensing unused drugs.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 172, relative to transporting school children to school and school-supported activities.

HB 185, relative to determining bargaining units for purposes of public employee collective bargaining.

HB 206, establishing an apprentice hunting license.

HB 229, repealing the tax on gambling winnings.

HB 289, relative to procedures followed by funeral directors.

HB 333, repealing certain provisions relating to the sale of oleomargarine.

HB 336, designating segments of the Mascoma River as a protected river.

HB 364, relative to the membership of the state committee on aging.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks.

HB 491, relative to divestiture of retirement system assets relating to Sudan.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 570, relative to licensure of guides by the fish and game department.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation.

SB 16, relative to the placement of numerical tallies on a ballot.

SB 26, establishing a committee to study the classification of motor vehicles.

SB 35, relative to exemption from the definition of utility property for the purposes of the utility property tax.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

May 4, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

We know that good leadership requires vision and values. But, we also all know that not just any vision and any old values will do. Sometimes our values get corrupted, sometimes our vision is off target; sometimes our visions are too small and not ambitious enough. If we would be faithful

leaders, our vision and our values must come from God. And, we hear from God in prayer, in meditation, in Scripture reading, and any variety of spiritual practice. We should never assume that our values and our vision are the same as God's values, or that our hopes line up with God's mission. If our prayers simply confirm the things that we already think we know, we're certainly off target.

So, I ask you, in your prayers, where is God challenging and changing your vision for what you do? How does God want your leadership to change so that God's Heavenly vision might win over our earthly and small and limited vision? Let us pray.

Our Father, who art in Heaven, hallowed by Thy name. Thy kingdom come, Thy will be done, on earth as it is in Heaven. Amen.

Sen. Larsen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

PRESIDENT BRAGDON: I believe that Senator De Blois has some Pages today.

SENATOR DE BLOIS: Yes, I do, Mister President. Thank you very much. Dakota Maitland is from Memorial High School. She's 18; she's in grade 12. Her favorite subject is mythology. Extracurricular activities are New Hampshire JAG – New Hampshire Jobs for American Graduates. Her favorite book, she says, is *Speak*. And, she would like to be a schoolteacher. Welcome.

And, our second Page today is Miss Kirsten Huot. She's 19; she's grade 12, and also from Memorial High School. Her favorite subject is early childhood education. Her favorite book, she says, is *Harry Potter and the Deathly Hallows*. In the future, she wishes to become a schoolteacher, as well. Welcome to the Senate.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. It is a great pleasure and indeed an honor to recognize one of our former State Senators, my good friend Mark Hounsell, Senator Mark Hounsell, who had the distinction of being able to represent Senate District 2 in the 1980s, who now lives in the fine Town of North Conway. Welcome, again, to the New Hampshire Senate, Mark.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I'm honored today to introduce the Winnacunnet Warriors Girls Basketball Team. This is their fifth – fifth! – state championship, with 70 consecutive wins under their belt. Their captains of the team are Anna Sullivan and Samantha Corcoran. And, I think we need to credit the coach, Ed Beattie, for training these girls over the long period of time and teaching them the skills that they need to get the championship. So, welcome, girls.

PRESIDENT BRAGDON: I will note that also in the gallery, in the center, is Heather Morton from the National Conference of State Legislatures, visiting the New Hampshire Legislature for the week. Welcome.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I just realized that in the gallery today is Karen Leo-Hill, who's a council member of the City of Lebanon. Welcome, Karen.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I have the honor of welcoming six outstanding young men and women to the Senate today from the Boys and Girls Clubs all across the State of New Hampshire. They are the 2011 winners of the Boys and Girls Club "Youth of the Year" awards. They are being recognized for having outstanding leadership skills, moral values, along with showing real dedication to their families, communities, and their clubs, while at the same time meeting the highest academic standards and overcoming enormous personal obstacles. Tonight, one of them will be named New Hampshire's Youth of the Year. The winner will represent our state in the regional competition held this summer in New York City.

As a longtime supporter, as I know many of you are, of the Salem Boys and Girls Club, I know what a positive difference these clubs make in the lives of young people. I'm proud of you, the Senate is proud of you, and maybe someday you'll all apply all your leadership skills, your learning, and be one of the ones who makes a positive difference right here in the State House. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I'd like to take a point of personal privilege under Rule 2-17. Last year's Boys and Girls Club nominee for Youth of the Year was from Concord, as well, who has most recently been diagnosed with leukemia. So, I wanted to send a prayer of healing to him and recognition for his accomplishments as well as acknowledging the folks who are in our gallery today. Thank you.

PRESIDENT BRAGDON: I do note that our interns are winding down their session with us – if you could all stand. And, I believe the Senators who worked with them have been asked to comment on a few, and I have no particular order.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. This session, Senator Forsythe and I have had the pleasure of getting to know David Turner. David has helped things run in our office, and we truly appreciate the help he's given us.

David is a junior at UNH and plans to go to law school. We wish him the best, and with all of his future plans, we know he'll be successful. Thanks for everything, David.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: And, I would like to add to that, Mister President, that David deserves a very special award for dealing with Senator Sanborn.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise joyfully to acknowledge Dave Couture's contributions to our offices. David has had the challenge of serving three women who are highly demanding and very busy folks, and David has been remarkable in his wonderful attitude, his sense of humor, his ability to write well, to speak well, and to understand how our office works and make it work even better. So, thank you, David; we wish you all the best in your pursuits, and we really appreciate your work. And, he's staying with us, I think, a few more weeks, which we are very grateful for. Thank you, David.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, I would just like to rise to support Senator Larsen's eloquent speech for David this morning, as well. I am one of the women Senators that David has been most helpful and assisted us, and I want to just let him know how much I appreciate all of his talents, am grateful for all of his work to keep us going; he has been steady as we go, and has always been there for all of us to make our work as efficient as possible. I'm also looking forward to attending his graduation at St. Anselm's College; I will be doing that and standing there also witnessing my son graduating along with David. So, it will be a real privilege and a pleasure to do that. Thank you.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: I also would like to say how much I've enjoyed having Dave in the office. I'd say he's very adaptable; he's even become a bit of a Tampa Bay fan. So, thank you, Dave.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I rise to say thank you to Jordan Prince. Jordan Prince is graduating from UNH in just a couple of weeks; she's going to have a criminal justice degree. She worked on the Judiciary Committee. She will also be graduating with my son, and we're also going to have a party together afterwards. I also have to say that she's engaged to a wonderful guy who's looking for a job; he's a civil engineering major. And, please contact Jordan Prince. Thank you, Jordan, for being with us at this time; you've helped me a great deal in my abilities to be a good Senator. Thank you very much for your help.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'd like to recognize the lovely and talented Hannah Truslow. Hannah had to meet a special qualification to be in my office: she had to speak Italian – tutti Italian – and she passed! As the co-president of the Italian caucus along with Senator Gallus, you know, it takes a certain specialty to join our group. Hannah's been terrific as our intern. We're a busy office; she works diligently, has even translated a little French for me, too, on occasion. So, well-grounded in her linguistic abilities.

Hannah's a world traveler: has spent time in Italy; likes to travel. And, by the way, works over in Portsmouth at a very fashionable restaurant, so you ought to visit her and give her a big tip, Senator Bradley, because we know you're a big tipper – I know you're a big tipper. And, we're so pleased with her work, happy, and wish her the very best. She'll be graduating from the University of New Hampshire and on her way to bigger and better things. Would like to go to China to teach, and it just shows you the global attitude in our office. Thank you very much, Hannah.

(The Chair recognized Sen. Gallus.)

SENATOR GALLUS: Thank you very much, Mister President. I was lucky enough to get one of the tallest and best interns. Josh, I still can't spell or pronounce your last name. He's done a great job for me all year. And, there is a spelling contest in a few minutes. But, Josh has been a real asset to the office, I'll tell you. He's done a great job and he's done a great job for some of the committees. He's about to graduate from the University of New Hampshire, and he's one of those young men that I really appreciated seeing come to work in the morning. And, he's been a self-starter, and I wish him well in the future endeavors that he takes on. Thank you, Josh.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Well, it's my privilege to thank Brendan Sheehan, who has been with us. And, he has gone above and beyond the call of duty. As some of you know, we had a transition in our admin, and he stepped up to cover both areas. And, just outstanding. And, I have seen a tremendous initiative on his part to just suggest ideas – actually, he changed a couple of my thoughts on things. And, he has been an incredible asset. He's a junior; he's got another year. Actually, I was visiting with President Mark Huddleston at UNH on Monday and then we hung out at the Dairy Bar up there for a little while and he gave me a little insight on UNH. And, he's got an exciting project this summer: he's going to be converting his – what kind of car is it? Yeah, Mercedes. Okay. And, he's going to convert it to vegetable oil. So, if you want to learn about that, he'll tell you all the stuff. If you drive behind him, I suppose it smells like French fries. So, he's done an outstanding job, and I just appreciate all the great work he's done in our office.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I also want to thank Brendan for the work that he's done in our office; he's helped me a great deal in handling my emails, and the suggestions he presented to me to help me get through all of them, and they were many. I thank you very, very much for the work that you've done in the office; we've enjoyed having you every day. And, thank you very much.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: I share the sentiments of my colleagues. And, I would say that Brendan was probably faced with the greatest challenge of all the interns, because he had three freshmen to serve. And, he did an outstanding job; he handled everything with grace and tact. And, he is looking for an internship this summer if anyone's looking for a good intern. And, Brendan we appreciate all that you did for us. Thank you.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Well, as the Chairman of Public and Municipal Affairs, there's a guy by the name of the Josh over there who did a great job for our committee. And, all five of us, and also Debbie, who was with us, appreciate the great work you did while you were with us. And, seeing you leaving, we're probably not going to be able to have any more hearings after next week because we're going to miss you. Thanks for all you did for the Committee.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. As the Chair of ED&A, I would like to thank Brendan for all the work he did on behalf of the Committee. Things can get a little hectic, and Brendan was reliable, responsible, and very, very hardworking, and he helped things to run very smoothly with the Committee, and I would like to thank him. And, he's also a bit of a traveler; while we were hard away at work, he took his vacation: he went to Italy. So, if people like to look at beautiful pictures of Italy – I think he has a career as a photographer, myself – but, go see Brendan; he's got some great pictures. And, I just really want to thank him for all his hard work on behalf of the Committee.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I would like to add to the thank-yous for Brendan, because he also served in the Education Committee. And, he did all of the running around while Tom was stationary talking notes, and followed everything that I needed, and brought a ray of sunshine into the office on many a day. Thank you, Brendan.

PRESIDENT BRAGDON: Thank you all very much; it was a pleasure working with you all. And, Angela has something for you to do, I think.

FINANCE REPORT

Sen. Morse announces the following bills will not come to Finance: HB 26-FN, HB 284-FN, HB 411, HB 418-FN, HB 466-FN, HB 488-FN, HB 489-FN, HB 504-FN, HB 629-FN, HB 650-FN-L. HB 131, which is still in Judiciary Committee, will not come to Finance.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

COMMITTEE REPORTS

COMMERCE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. Ought to Pass with Amendment, Vote 4-1. Senator De Blois for the committee.

Commerce
April 26, 2011
2011-1581s
09/04

Amendment to HB 26-FN

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or ~~theft of~~ **a single theft or multiple thefts in the aggregate of** an amount greater than ~~[\$500]~~ **\$100**, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 26-FN Ought to Pass with Amendment. This bill, as amended by the Committee, clarifies the definition of gross misconduct for purposes of unemployment compensation and reduces the amount of the work-related theft resulting in the loss of wage credits.

House Bill 26-FN will clarify that an unemployed individual who has been discharged for a single theft, or multiple thefts, in the aggregate of an amount greater than \$100, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of dismissal.

Please join the Commerce Committee and vote Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.
Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5
May 3, 2011
2011-1713s
01/10

Floor Amendment to HB 26

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, ~~[or theft of]~~ **a single theft or multiple thefts of cash or goods in the aggregate of an amount greater than [500] \$100, or a theft or multiple thefts of time in an amount greater than \$250**, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

SENATOR HOUDE: Thank you, Mister President. We did have some consensus in our committee surrounding the threshold of \$100 for theft of cash or goods constituting gross misconduct for purposes of unemployment compensation. However, what we didn't reach consensus on, or I should say I didn't reach consensus on, was whether theft of time should be treated similarly. And, just by way of background, the Department of Employment Security has determined that theft of time goes towards the monetary threshold for gross misconduct theft. Examples of theft of time include playing on the computer while you're on the clock, reporting to a job site late but getting paid based on an earlier job reporting time, and the one that I was most concerned about was the situation where someone might call in sick not having sick time left because they have to take a child to an appointment or something similar.

If you make \$15 an hour, you would end up over the \$100 threshold in the committee amendment in one day. And, as such, my proposal that you have in front of you, Amendment 1713s, would leave the theft of goods or money threshold at \$100, but carve out theft of time and set the monetary threshold for those cases at \$250, which, incidentally, is the House's overall compromise language.

Why do I suggest this amendment? It's not because I'm encouraging theft at any level. In fact, any theft by a worker subjects them to criminal prosecution and restitution claims. Rather, it's just incongruous to have such a low threshold with the consequences including not just job loss and loss of unemployment benefits, but also for loss of subsequent work credits, alongside the other enumerated examples of gross misconduct for unemployment compensation purposes such as arson, felony, assault, and criminal threatening.

So, with that, I ask for your support on my floor amendment. Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I rise in favor of the amendment being presented by Senator Houde. I did vote for this amendment in the Senate Committee. I appreciate the hard work that our committee has done on this. We came from a position of a threshold of \$500 and came down and came down and came down to something that we felt was more reasonable, and I felt as though the amendment that

was presented by Senator Houde was a really good compromise; I voted for it in Committee and I ultimately voted for the bill because I felt as though the threshold of \$500 was too high. But, I do feel as though the threshold of \$100 is too low.

I would ask that this body would reconsider and put this floor amendment onto the bill, the reason being is, we need to make sure that the punishment is commensurate with the crime. And, I believe that a \$100 threshold for theft of time is too low; I would like to see it back up to the \$250 as we discussed and voted on in the Committee for Commerce. And, I appreciate the work that we do there. However, I do need to stand up here; I wasn't satisfied with what came out of the committee. I do not always get my way because it is a vote of the members. So, today, I am asking that you would consider that you would take the notes that Senator Houde has said and the desire that I have presented that we should have the punishment meet the crime. I think that \$100 is too low for theft of time. Thank you very much, Mister President.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in opposition to this floor amendment. And, before I talk about it, I have to thank Senator Houde. As we both know, we started on very opposite ends of the spectrum of what we felt this issue was about.

For 40 years, this state has had a zero tolerance of employees stealing. Two years ago, it was readdressed: it's been \$500, it's been \$250. And, Senator Houde and I have truly spent time, and I truly appreciate the effort he's put in to try and find some level of compromise. And, we did find compromise; we found compromise on reestablishing the threshold of an employee stealing from an employer. And, again, none of us believe or support theft. But, when it rises to the point of gross misconduct, we all agreed that \$100 was a level that we could compromise and meet with.

However, I don't support the amendment at \$250 as a theft of time, because although while some employees might make \$50 an hour, so a two-hour job might not be that egregious to some, in the industry that I work in, an employee could steal 76 hours – two weeks of time – and that still would not be considered gross.

I think we have a reasonable definition; I think we have something that both sides can live with at \$100. And, I think the \$250 threshold just sets it too high, and I ask you to vote down this amendment, with all due respect to the Senator. Thank you very much.

The question is on the adoption of the Floor Amendment. Failed.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 31, relative to insurance payments for ambulance services. Ought to Pass with Amendment, Vote 5-0. Senator White for the committee.

Commerce
April 26, 2011
2011-1584s
01/09

Amendment to HB 31

Amend the title of the bill by replacing it with the following:

AN ACT relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 6-p the following new section:

415:6-q Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance that constitutes health coverage under RSA 420-G:2, IX, and that provides benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

2 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 18-u the following new section:

415:18-v Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any policy of group or blanket accident or health insurance that constitutes health coverage under RSA 420-G:2, IX, and that provides benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

Amend the bill by replacing all after section 4 with the following:

5 Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415:6-m to read as follows:

415:6-m Coverage for the Cost of Testing for Bone Marrow Donation.

I. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state *and who meet the criteria for testing as established by the Match Registry (the National Marrow Donor Program)*, coverage for *laboratory fee* expenses *up to \$150* arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, [for A, B, and DR antigens] for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program *and shall acknowledge a willingness to be a bone marrow donor if a suitable match is found.*

II. In addition to paragraph I, the testing facility shall not bill, charge, collect a deposit from, seek payment or reimbursement from, or have recourse against a covered person or a person acting on behalf of the covered person for any portion of the laboratory fee expenses.

6 Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415:18-r to read as follows:

415:18-r Coverage for the Cost of Testing for Bone Marrow Donation.

I. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and who meet the criteria for testing as established by the Match Registry (the National Marrow Donor Program), coverage for laboratory fee expenses up to \$150 arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, [for A, B, and DR antigens] for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program and shall acknowledge a willingness to be a bone marrow donor if a suitable match is found.

II. In addition to paragraph I, the testing facility shall not bill, charge, collect a deposit from, seek payment or reimbursement from, or have recourse against a covered person or a person acting on behalf of the covered person for any portion of the laboratory fee expenses.

7 Effective Date. This act shall take effect January 1, 2012.

2011-1584s

AMENDED ANALYSIS

This bill requires that the providers of ambulance services be reimbursed directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract.

This bill also clarifies the law regarding the cost of testing for bone marrow donation.

SENATOR WHITE: Thank you, Mister President. I move House Bill 31 Ought to Pass with Amendment. This bill, as amended by the Committee, requires that the providers of ambulance services be reimbursed directly or by a check payable to the insured and the ambulance service provider, subject to the terms and conditions of the policy, plan, or contract.

Additionally, in an effort to support the valuable national marrow donor program and stop some recent bad practices that have happened in the City of Manchester, this bill will also place a cap of \$150 on labs for bone marrow registry expenses for reimbursement.

Please join the unanimous Commerce Committee and vote Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. Now that the girls are actually in the balcony after having been recognized in the House, I would ask my Senators to congratulate the Winnacunnet High School girls basketball team on their fifth consecutive year of state championships for Title I.

I would also like to recognize the coach of their team, Ed Beattie, because, you know, to win five consecutive years of championships, it's with his coaching that helps those girls develop those skills to take the championships. So, congratulations, girls.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. Ought to Pass with Amendment, Vote 4-1. Senator White for the committee.

Commerce
April 26, 2011
2011-1585s
01/09

Amendment to HB 89

Amend the title of the bill by replacing it with the following:

AN ACT relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Insurance Department; Health Insurance Coverage. Amend RSA 400-A by inserting after section 14 the following new section:

400-A:14-a Health Insurance Coverage. No resident of this state, regardless of whether he or she has or is eligible for health insurance coverage under any policy or program provided by or through his or her employer, or a plan sponsored by the state or the federal government, shall be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the department of health and human services where an individual is named a party in a judicial or administrative proceeding. No provision of this title shall render a resident of this state liable for any penalty, assessment, fee, or fine as a result of his or her failure to procure or obtain health insurance coverage. This section shall not apply to individuals voluntarily applying for coverage under a state-administered program pursuant to Title XIX or Title XXI of the Social Security Act. This section shall not apply to students being required by an institution of higher education to obtain and maintain health insurance as a condition of enrollment. Nothing in this section shall impair the rights of persons to privately contract for health insurance for family members or former family members.

2 Lawsuit Challenging the Federal Patient Protection and Affordable Care Act. The attorney general should, as soon as practicable, join the lawsuit (State of Florida et al. v. United States Department of Health and Human Services et al.) challenging the constitutionality of the Patient Protection and Affordable Care Act.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect upon its passage

2011-1585s

AMENDED ANALYSIS

This bill provides that a resident of New Hampshire shall not be required to obtain, or be assessed a fee or fine for failure to obtain, health insurance coverage.

This bill also declares that the attorney general should join the lawsuit challenging the constitutionality of the Patient Protection and Affordable Care Act.

Sen. White moved to Lay on the Table HB 89. Adopted.

RESOLUTION

Sen. Bradley moved to Introduce SR 9, requesting an opinion of the justices concerning the constitutionality of HB 89.

The question is on the motion to Introduce SR 9. Adopted.

INTRODUCTION OF SENATE RESOLUTION 9

11-1096

SR 9, requesting an opinion of the justices concerning the constitutionality of HB 89. (Bradley, Dist 3; De Blois, Dist 18; Boutin, Dist 16)

Sen. Bradley moved Ought to Pass on SR 9.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: The Resolution requests an opinion of the Justices concerning the constitutionality of House Bill 89. As people recall, there was a debate whether we should join the federal lawsuit against the affordable healthcare protection act – federal healthcare reform. The Senate adopted a position previously in, I believe, Senate Bill 14, that we should tell the Attorney General to do so. The House has insisted, in House Bill 89, that it shall instruct the Attorney General to join the lawsuit challenging the Patient Protection and Affordable Care Act.

So, this Resolution, given that we just tabled House Bill 89, would send the question to the Supreme Court for their opinion of the Justices as to regarding the constitutionality of ordering the Attorney General to join the lawsuit.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I simply rise to note that we were very cordially asked to join in this Resolution and did not sign our names to it, simply because we believe it is very clear that House Bill 89 is unconstitutional, and we certainly trust the New Hampshire Supreme Court to come to that same conclusion. But, we did not believe it was necessary to request the opinion to come to that conclusion. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted.

HB 246, relative to prearranged funeral contracts or burial plans. Ought to Pass, Vote 4-1. Senator Houde for the committee.

SENATOR HOUDE: Thank you very much, Mister President. I move House Bill 246 Ought to Pass. This bill establishes procedures for contracts involving prearranged funeral contracts or burial plans. It was proposed by the New Hampshire Funeral Directors Association, a state trade association that has represented the funeral service industry in New Hampshire for over 100 years.

HB 246 would add disclosures necessary to strengthen existing New Hampshire prearranged funeral contract law. Under current law, there is no requirement that a prearranged funeral contract be in writing, for example. With the adoption of HB 246, these disclosures will be added to strengthen the law. Essentially, this new law will provide a necessary level of protection and provide more information to New Hampshire families.

For these reasons, I ask for your support of the Commerce Committee's unanimous recommendation of Ought to Pass. Thank you, Mister President. I'm sorry, Mister President; it was not unanimous: 4-1. My apologies.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 246.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 298 Ought to Pass. House Bill 298 requires condominium management companies to disclose fees by managing agents and contractors.

Please join the unanimous Commerce Committee in Ought to Pass on House Bill 298. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 424, relative to surplus lines tax collection. Ought to Pass with Amendment, Vote 5-0. Senator White for the committee.

Commerce
April 26, 2011
2011-1586s
01/09

Amendment to HB 424

Amend RSA 405:24, III as inserted by section 6 of the bill by replacing it with the following:

III. The commissioner, pursuant to RSA 402-J, may issue a producer license to a resident of the state permitting the producer named therein to procure insurance policies and contracts of insurance or suretyship to be effective in this state in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in some state having an insurance commissioner, *or in a domestic insurer authorized to do business in ac-*

cordance with paragraph IV. Such insurance or suretyship placed with an unadmitted surplus lines company shall be for such amount as the producer cannot place with an admitted company, and shall not be placed until the producer has first satisfied the insurance commissioner that the producer cannot procure such an insurance in an admitted company. ***For purposes of this paragraph, an insurer authorized to do business in accordance with paragraph IV shall not be deemed to be authorized or admitted.*** Before delivering to the insured a policy or binder of insurance written under the provisions of this section, every producer shall have stamped in a form approved by the commissioner on the face of the binder or policy the following: "The company issuing this policy ~~[has not been licensed by]~~ ***is an eligible surplus lines insurer*** in the state of New Hampshire and the rates charged ***and policy forms used*** have not been approved by the commissioner of insurance. If the company issuing this policy becomes insolvent, the New Hampshire insurance guaranty fund shall not be liable for any claims made against the policy."

SENATOR WHITE: Thank you again, Mister President. I move House Bill 424 Ought to Pass with Amendment. This bill enables premium taxes for non-admitted insurance companies, including surplus line insurance, to be collected and disbursed. The bill also allows a foreign insurance company to be designated as a surplus line insurer under certain circumstances.

House Bill 424 as amended was requested by sellers of surplus line insurance and is based on model legislation and gives us the flexibility in New Hampshire that we need.

Please join the unanimous Commerce Committee and vote Ought to Pass with Amendment on House Bill 424. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 489-FN, establishing a health information organization corporation. Ought to Pass with Amendment, Vote 3-2. Senator Prescott for the committee.

Commerce
April 26, 2011
2011-1587s
01/09

Amendment to HB 489-FN

Amend the introductory paragraph of RSA 332-I:8, I and subparagraphs (a)-(c) as inserted by section 5 of the bill by replacing them with the following:

I. The powers of the corporation shall be vested in 16 members and up to 3 at-large members. Except for the members appointed under subparagraphs I(b)-(d), members shall serve 3-year terms. No member shall serve more than 2 full consecutive terms. Members shall be appointed as follows:

(a) A consumer not affiliated with the health care industry, appointed by the governor.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(c) Three members of the senate, appointed by the president of the senate.

Amend RSA 332-I:8, III as inserted by section 5 of the bill by replacing it with the following:

III. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action they take in the performance of their powers and duties under this chapter.

Amend RSA 332-I:9 as inserted by section 5 of the bill by replacing it with the following:

332-I:9 Meetings of Board. Meetings shall be held at the call of the chairperson or when 4 members so request. Members shall be notified 6 business days prior to the meeting date. Nine members of the board shall constitute a quorum and the affirmative vote of 7 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

Amend the bill by replacing section 6 with the following:

6 Initial Terms for Members of Health Information Organization Board; First Meeting. The initial terms of office for the members appointed to the health information organization board established in RSA 332-I:8 as inserted by section 5 of this act shall be as follows: the members in subparagraphs I(e), (f), (h), and (l) shall serve for 3 years; the members in subparagraphs I(a), (g), (i), (j), and (k) shall serve for 2 years. The members in subparagraphs I(b), (c) and (d) shall serve coterminous with their term or terms in office. The at-large members in subparagraph I(m), if any, shall serve for terms not exceeding 3 years as determined by the board. Initial appointments shall be made within 30 days of the effective date of this section. The first meeting shall be held within 60 days of the effective date of this section and shall be called by the first-named member of the house of representatives.

SENATOR PRESCOTT: Thank you, Mister President. I rise on behalf of the Commerce Committee and move House Bill 489 Ought to Pass with an Amendment. The bill establishes health information organization corporation, and not to be confused with health insurance exchange. So, this is a health information organization corporation that will have distinct legal existence from the State. The corporation will establish and maintain a health information organization for the electronic exchange of health information.

This bill also requires the Commissioner of the Department of Health and Human Services to enter into a contract with this organization to grant the New Hampshire information exchange planning and implementation project.

The amendment adopted by our Committee addresses membership of the board and provides for greater legislative representation. The board is made up of 12 members. Two of them were going to be one from the House, one from the Senate. We made that membership up to 16 members so that we could have three from the Senate and three from the House for greater public oversight.

If this bill passes, I believe it's important that we put into the minutes of this hearing today of our legislative intent, if I could have the indulgence?

Thank you very much, Mister President. The board was going to make the decisions for this entity, and that's why it was so important that the Commerce Committee look at the board and made it up of more public members. We found that the policy interest in protecting the privacy of citizens of New Hampshire, especially as it relates to medical records, is a vital thing that the State should have interest in, and we believe in protection of individual privacy rights. That's why, if this bill passes, we are wanting to protect people's privacy.

This is going to be a State-designated entity. It is also going to have a primary objective to transfer responsibility of the monies from DHHS – Department of Health and Human Services – to the organization, and make sure that the state government is involved. Creating this organization as a public instrument allows the State to transfer the programs and financial obligations to a private sector via contractual relationship while still retaining direct policy oversight over privacy issues that are important to the citizens of New Hampshire.

Another issue I'd like to bring forward is that accounting measures and safeguards will be in place to make sure that the money that is spent is spent responsibly and lawfully. Also, I'd like to say that there is a 10-1 leverage for monies being spent. We will have in our budget the \$600,000. It's going to be leveraged for \$10; for every dollar that we put into this program we have \$10 of federal grant to start the organization.

Lastly, I'd like to go over the board member duties. They are to have pretty much control over all of the daily business transactions to make sure that the public is on the board and making sure that the public money is being spent properly. That is directly written in the bill: section 332-I:10 Powers and Duties.

Another subject I'd like to touch upon is how the HIO, the health information organization, is going to act like a business. It will function as a business because it will be a business. It is a private and public organization. The initial capital for the business will be provided by the federal grant as well as a small amount from the State of New Hampshire. But, the ongoing operations will be paid for by hospitals, physicians, and other healthcare providers who choose to procure its services. If the HIO is not able to cover its expenses, its costs, by offering these services, and if they are not valued in the market, it will fail. It is like any other business.

I'd like to make sure that those things are said in public for the intent of this legislation. Thank you very much, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in opposition to HB 489. As many of you know, this was a real split decision within the Commerce Committee, and we had ample conversations about it. This piece of legislation shows clearly how difficult the job is of this body every single day, and how complicated it can be in trying to decide the difference between policy and procedure.

We all agree in the need and the desire to try and help exchange information, if someone is injured or hurt or incapacitated, from one hospital to another. It's a worthwhile endeavor; it's something, on a policy basis,

we all support. But, the real challenge we have on this really comes into the procedure of how it's being enacted. At a time that we came here to make a smaller, more efficient government, and at a time when we came here to ask our government to get out of the business of small industry, we're standing here today considering a government-funded corporation that's going to combine \$5.4 million of federal money, an additional \$600,000 coming out of our budget, at a time when we're struggling so hard to find the resources to help those people who are mentally challenged, developmentally disabled, this legislation proposes creating a new business. This business, as we know, is operating in several other states today as a private entity. I don't believe it's this State's responsibility to create businesses that has no plan to how it's going to cover its operational expenses, has no capacity to cover its operational losses when they occur, all for the benefit of other corporations. I would support this legislation if a private entity came and operated in this state as a for-profit or for-fee for service, but I do not believe this is the way for us to invest the money of the people of New Hampshire, and I ask you to say no. Thank you.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I rise to support House Bill 489. And, would just add, I think – Senator Prescott had certainly talked about the safeguards put in place and the privacy issues. I just want to focus on the substance of what this bill does, which is it's ultimately designed to address cost duplication in the healthcare industry, which I don't think is a small business, with all due respect to my friend and colleague. An ounce of prevention, in this situation, is going to go a very long way with respect to patients won't receive duplication of services if information is more easily transmitted from one provider to the other.

So, I just think that the objective of this legislation is admirable as I think all would agree, and I would just note that as far as who pays for this, healthcare institutions in our state are likely to take a significant hit this biennium for uncompensated care, etcetera, that they provide. I think asking them to cough up additional monies at this point is just not something that they can stomach. Thank you very much, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. As Senator Sanborn mentioned, this was a divided Commerce Committee on this bill; there was some internal discussion. We all felt it would have been a 5-0 vote about the intent of what we're trying to do here, which was to facilitate the transfer of medical records in an orderly fashion. A lot of good things can come from that; you can see some savings, perhaps, in Health and Human Services as tests are not duplicated because of the inability to find a record or get a record, we could see costs reduction in the private sector, but even there that spills over into the State because of the entanglement of healthcare costs in general and the things we do here. So, there were a lot of things we were unanimous about.

We were not unanimous about really one issue, which was governance/funding, and that's what you hear being expressed today. And, I would just state an opposite view of my good friend, Senator Sanborn, that if the government was going to get involved in this all, and I believe they

had to because of privacy concerns; we would not have been able to get a handle on locking down the privacy if this was strictly a private enterprise with no government oversight whatsoever. So, we were going to have to have some type of legislation sometime either for oversight or whatever, and so I thought it made sense to get right involved in the creation. And so then, at that point, you've got to decide is this going to be in a state agency? Is it going to reside in the Department of Insurance, or is it going to reside in the Department of HHS, and then we have government expansion. Or, as one who like Senator Sanborn espouses a small-government philosophy, a conservative philosophy, I felt that the natural end of that philosophy was private, nonprofit governance; we've used this in the past on other agencies, we use it in much of healthcare delivery; HHS has hundreds of contracts with private, non-profit governed entities that enjoy some sort of government status, and I thought that made the most sense here.

And then, of course, the issue of funding, again, the lever of 10-1, although all the funds are public funds at the end, it just seemed foolhardy to pass up the opportunity to put a small amount of New Hampshire money into it and get a large amount of federal dollars to get this thing off the ground for what could be potentially very profitable.

And then the last thing I'd point out – because I think there's some misunderstanding about what's going to happen with this entity and why the privacy thing is important – there is a clause in here for limited immunity for those who, in good faith and in proper procedure, exchange this information. And, that is important, as anybody who has any ties to the healthcare business would tell you, because the HIPAA laws are very, very onerous, and the penalties are very, very severe. And so, I question if a private entity really would have made this undertaking given the huge potential penalties involved with the exchange of information and the privacy laws without this clause of limited immunity. So, again, I thought that this argued for the bill.

So, again, there is a division of opinion on this to some degree, but we were up against a deadline; I'll finish my remarks by mentioning there was a deadline, really, of October 1st. My preference, quite candidly, would have been to Re-refer this. But, we had a deadline, and I had to, as a freshman legislator, respect the work product of many people before me; a lot of work was put into this by previous people on previous committees in the previous Legislature, and I just did not feel, with that looming deadline, it was my place as a freshman to come gum up the works right at the end after so many people had put so much thought and effort into this, and that's why I'm asking you to support this bill as amended.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I also rise in opposition to House Bill 489. Years ago, the hospitals got in bed with the State on the JUA, and I think, years later, they came to regret that, and I think this will be no different. We're spending \$600,000 of state funding; \$5.4 million of federal funding. I want to remind my good colleagues here that federal money is still our money; it still comes from the taxpayers.

On one hand we're reducing uncompensated care towards the hospitals; on the other hand, we're spending government money to set up something

for the hospitals. On one hand we've cut their funding; on one hand, we raise it if we can get involved with it. I think that's inconsistent. I'd rather see uncompensated care restored and let them do this on their own as a fully private entity. Privacy issues have been dealt with in other states that have these corporations set up. I would much prefer enabling legislation that would allow the private company if enabling legislation is needed to set this up rather than have the government involved.

So, again, I request opposition to House Bill 489, and thank you, Mister President.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I rise in opposition to this bill, as well. I was one of the two that voted against this bill in committee, and I feel that private industry needs to – if they feel that this is valuable enough, they ought to be stepping forward, setting their own corporation up, and collecting this data. For us to spend \$600,000 for an endeavor that may or may not succeed doesn't seem prudent, in my mind, at this time. I agree with Senator Forsythe that if they need enabling legislation to create this corporation I would be all in favor of that. But, I am not in favor of spending \$600,000 at this point in time when we are trying to fund other entities that sorely need their funding. Thank you, Mister President.

PRESIDENT BRAGDON: I will note that earlier, this was reported as not going to the Finance Committee even though it has an FN. If this were to pass, I will be sending it to the Finance Committee.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President, for your leniency. I just wanted to state for legislative intent, there is no legislative intent for any further funds being spent on this organization after it is organized. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Bradley, Houde, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forrester, Forsythe, Groen, Sanborn, De Blois.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 629-FN, relative to the uninsured health care database. Ought to Pass, Vote 3-2. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 629-FN Ought to Pass. House Bill 629 repeals the uninsured health care database.

Many stakeholders supported repealing the uninsured health care database because the information currently being collected is incomplete, so the data being generated is also incomplete. The uninsured health

care database is currently managed by the Department of Insurance, a department who doesn't regulate healthcare providers. Passing HB 629 will eliminate a burdensome mandate with very little value.

Please join the Commerce Committee and vote Ought to Pass on House Bill 629-FN. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to the committee recommendation. As you can tell, it was an interesting week last week in Commerce. We just heard, and we are going to continue to hear a fair amount of concern over uncompensated care and the financial burden that that places on hospitals and healthcare providers, as well as the upward pressure on insurance premiums in light of cost-shifting. If we're concerned about these things, as I think we all are, then House Bill 629 is part of the solution. It would fill the black hole that currently surrounds uncompensated care. I believe talk of incomplete information that we heard is a red herring; half a loaf is better than none. In this situation, we'd be collecting information. As for the discussion of privacy concerns that we heard, since the information is not identifiable in any way toward the individual. Basically, it comes down to the cost of collecting and submitting this information. And, while I would note that some institutions are already being required to submit this information elsewhere and negotiations took place over several months to ease those concerns further, more importantly, it will potentially get at the much costlier underlying issue of what actually makes up uncompensated care, and therefore I'd ask for your vote against the committee recommendation. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Odell, White, Luther, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Sanborn, Kelly, Lambert, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 7

Adopted, bill ordered to Third Reading.

EDUCATION

HB 216, relative to the instructional authority of school boards. Ought to Pass, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 216 Ought to Pass. This legislation requires school boards to be responsible for establishing the structure, accountability, advocacy, and delivery of instruction. It further provides local flexibility in carrying out the responsibilities adopted by the Department of Education. This legislation also extends the school board authority over all schools under its jurisdiction except for charter school or homeschoolers within its geographical boundaries.

Therefore, the Education Committee recommends that House Bill 216 Ought to Pass and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I am the lone one on that vote, and so I rise in opposition to HB 216 for the following reasons:

First, I am concerned that this bill as written leaves too many unanswered questions and that the language is just too vague, such as the statement in the language, wondering what is meant by: "instructional policies and instructional goals". I don't see anything in the legislation that defines either one of those terms. And, the same language refers to knowledge and skills pupils will need in the future. It's not clear to me what definitions or references are used in determining knowledge and skills that pupils will use in the future.

Second, the sponsor of the bill states that HB 216 reinforces one of the most critical roles our local school boards play in the partnership with the State. But, there's absolutely no reference to the Department of Education, or to even the State Board of Education, in this legislation.

And, third, the Education Committee heard testimony stating that the practices as stated in HB 216 are already followed in school districts. So, I question then, if that is true, why is this legislation necessary?

For these reasons, I voted against this bill in the Education Committee and will vote today against the motion Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Forsythe is in favor of the motion of Ought to Pass on HB 216.

HB 370, making changes to the pupil safety and violence prevention act. Inexpedient to Legislate, Vote 5-0. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 370 Inexpedient to Legislate. This legislation makes changes to the pupil safety and violence protection act. The current pupil safety and violence protection act was adopted last year to address the important issues associated with school and cyber bullying.

There was unanimous testimony from students, parents, school administrators, and community leaders opposing the proposed legislation to change the law. Although parts of the legislation would have potentially strengthened parental rights, there was no testimony from any parent objecting to the current law. Overall, the Committee felt that the current law should be given more time to explore its merits before changes are brought forth.

Therefore, the Education Committee recommends that House Bill 370 be Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I just want to rise and to... I sat through the committee hearings, again, on this bill, and I just want to commend the young people who were there who had the courage to get up and tell their stories again. And, they also were just incredible in thanking legislators for the bill and the law – I should

say the law that we currently have on anti-bullying and anti legislation, and were really close to begging us to keep the law the way that it is; it is working, and I think by ITL-ing this current bill, we are making another commitment to our young people that we want to make sure that all of our students are safe in school Thank you.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I also rise in favor of this ITL motion. I did sit through the hearing for Education, and I spoke with school administrators, superintendents; I also spoke with school boards. They do know that this bill was a little bit onerous for them; they had to create their rules, they had to go through training. However, they do understand that it is difficult to make sure that there's no bullying, and they're up to the task; they understand it is a difficult task. But, they now appreciate the guidelines that are presented.

It also was a reason for me to vote for this as ITL in committee was that it was just implemented not more than a month or so ago. And, we would like to see, as the Committee voted unanimously, to see if we have any information that comes out from this new legislation. And, appreciate the whole body of the Senate voting to ITL the bill so that the newest bullying law can stay in effect. Thank you very much, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 23 - Nays: 0

Adopted.

HB 401, relative to postsecondary training for workers with disabilities. Ought to Pass, Vote 5-0. Senator Forsythe for the committee.

SENATOR FORSYTHE: Thank you, Mister President. I move House Bill 401 Ought to Pass. This legislation authorizes the Labor Commissioner to establish a practical experience and training program for individuals with disabilities. It is important to adopt this plan to ensure that those who have disabilities are afforded the same opportunities to develop professional skills as those who more frequently participate in internships and job-related training programs.

Therefore, the Education Committee recommends that House Bill 401 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 528-FN-L be Re-referred to Committee. This legislation requires school districts develop a facility maintenance and capital improvement plan in order to be eligible to receive school building aid grants. Given the current moratorium and unsure future of school building aid, as well as some concerns for this legislation creating a mandate with an associated cost, further work needs to be done on the details of this bill.

Therefore, the Education Committee recommends that House Bill 528-FN-L be Re-referred to Committee and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Senate Education

April 27, 2011

2011-1607s

04/10

Amendment to HB 650-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Amend RSA by inserting after chapter 197 the following new chapter:

CHAPTER 197-A

SPECIAL MEETINGS

REGARDING APPROPRIATIONS FOR STATE EDUCATION FUNDING

197-A:1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts, the governing body of any school district including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of any school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted

in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

2 Effective Date. This act shall take effect July 1, 2011.

Sen. Kelly moved to Lay on the Table HB 650-FN-L. Adopted.

ENERGY AND NATURAL RESOURCES

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 44 Ought to Pass. This bill designates segments of the Oyster River as a protected river under the Rivers Management and Protection Program, while exempting first, second, and third order portions of the river from the setback provisions of the comprehensive shoreland protection act, leaving setback decisions to the municipalities instead.

The proposed designation of the Oyster River received overwhelming local support and will enhance cooperation among municipalities in protecting this valuable resource.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on House Bill 44. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on HB 44.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources**April 7, 2011****2011-1367s****06/03****Amendment to HB 149**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR BRADLEY: Thank you very much, Mister President. This legislation will help make the Lamprey River, including all five tributary rivers, the first river to have protection to include the river's entire watershed from the headwaters to its title segment.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass with the amendment on House Bill 149. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley asserts Rule 2-15 on HB 149.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Bradley asserts Rule 2-15 on HB 149.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Mister President, I'd like to reconsider the vote on House Bill 370.

PRESIDENT BRAGDON: There's going to be a short recess coming up; we'll discuss that in a few seconds if that's okay with you.

SENATOR BARNES: That is fine with me, Mister President. Whatever you say.

HB 381, authorizing net metering for micro-combined heat and power systems. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources**April 28, 2011****2011-1660s****06/01****Amendment to HB 381**

Amend the bill by replacing all after section 1 with the following:

2 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns or operates *an* electrical generating [facilities] *facility either* powered by renewable energy *or which employs a heat led combined heat and power system*, with a total peak generating capacity of not more than 100 kilowatts, or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more up to one megawatt, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used in the first instance to offset the customer's own electricity requirements.

II-c. "*Eligible fuel*" means *natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel.*

II-d. "*Heat led*" means *that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.*

3 Net Energy Metering. Amend RSA 362-A:9, I to read as follows:

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to 50 megawatts multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by all such utilities as determined by the commission. ***No more than 2 megawatts of such total rated generating capacity shall be from a combined heat and power system as defined in RSA 362-A:1-d.***

4 Effective Date. This act shall take effect on July 1, 2011.

2011-1660s

AMENDED ANALYSIS

This bill redefines "eligible customer-generator" in order to authorize net metering for micro-combined heat and power systems.

This bill limits the total rated generated capacity from combined heat and power systems for purposes of net energy metering.

SENATOR BRADLEY: Thank you again, Mister President. I move House Bill 381 Ought to Pass. This bill redefines "eligible customer-generator" in order to authorize net metering for micro-combined heat and power systems.

The amendment seeks to limit the total rated generated capacity from combined heat and power systems for purposes of net energy metering, as well as adding wood pellets to the eligible fuels.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass with Amendment on HB 381. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. Re-refer to committee, Vote 4-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move that House Bill 387 be Re-referred to Committee. This bill was a request of the Division of Emergency Services and Communication. HB 387 would require providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. This bill would help get information from providers' databases if the information is available in order to assist the enhanced 911 system in locating someone in need of help.

The Committee found that there are a number of areas of concern with this bill, including the limited regulation on the amount of information that needs to be provided to purchase a prepaid phone. We need to ensure that changes in regulation are done right and there are no unintended consequences. Re-referral will allow the various stakeholders to work on an amended bill which will be thoroughly vetted and ready for discussion and consideration by the full Senate come January of next year.

Please join the Energy and Natural Resources Committee's recommendation in voting Re-refer to Committee on HB 387. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you again, Mister President. I move House Bill 555 Ought to Pass. The bill designates the Lower Exeter and Squamscott River as a protected river.

The Department of Environmental Services recommends these two segments be designated, and there is also unanimous local support for the designation. This will simply add the last two downstream segments of the Exeter/Squamscott River that have not been designated through the Rivers Management and Protection Program.

Please join the Energy and Natural Resources Committee's recommendation of Ought to Pass on HB 555. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

MOTION OF RECONSIDERATION

Sen. Barnes, having voted on the prevailing side, moved to reconsider **HB 370**, the bill having been previously adopted. **Adopted.**

EDUCATION

HB 370, making changes to the pupil safety and violence prevention act. Inexpedient to Legislate, Vote 5-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by **Sen. Prescott**, seconded by **Sen. Barnes**.

The following Senators voted Yes: **Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.**

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

April 28, 2011

2011-1635s

10/05

Amendment to HB 30

Amend the title of the bill by replacing it with the following:

AN ACT relative to qualifications for licensure by the board of veterinary medicine.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Veterinarian; Veterinary Practice Act. Amend RSA 332-B:1, IV to read as follows:

IV. "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or other veterinary school approved by the board, or a person from a foreign veterinary school holding an ECFVG certificate *or a PAVE certificate*.

2 New Paragraph; Veterinary Practice Act; Definitions; PAVE. Amend RSA 332-B:1 by inserting after paragraph XI the following new paragraph:

XII. "PAVE" means the Program for the Assessment of Veterinary Education Equivalence operated by the American Association of Veterinary State Boards.

3 Qualifications For Licensure; PAVE. Amend RSA 332-B:9 to read as follows:

332-B:9 Application for License; Qualifications. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is 18 years of age or more, a graduate of an *AVMA* accredited school of veterinary medicine or other veterinary school acceptable to the board, or the holder of an ECFVG certificate *or a PAVE certificate*, a person of good professional character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

4 Veterinary Practice Act; Reciprocity. Amend RSA 332-B:11, II to read as follows:

II. Applicants who are not graduates of schools of veterinary medicine accredited by the AVMA, other than those described in paragraph I, shall possess a certificate issued by the ECFVG, *PAVE*, or a Certificate of Qualification issued by the Canadian Veterinary Medical Association, unless at the time such applicant became licensed in the state, province, or U.S. territory from which they are applying, an ECFVG certificate *or a PAVE certificate* was not required by this state.

5 Effective Date. This act shall take effect 60 days after its passage.

2011-1635s

AMENDED ANALYSIS

This bill allows persons who received a certificate from PAVE, the Program for the Assessment of Veterinary Education Equivalence, to apply for licensure with the board of veterinary medicine.

SENATOR GROEN: Thank you, Mister President. I move House Bill 30 Ought to Pass with Amendment. HB 30 was a request by the Board of Veterinary Medicine. This bill allows persons who receive a certificate from PAVE – the Program for Assessment of Veterinary Education Equivalence – to apply for licensure with the Board of Veterinary Medicine.

The amendment brings clarification and house-keeps the original intent so that the PAVE certificate shows up in every section of the Veterinary Practice Act.

The ED&A Committee voted favorably 4-0 Ought to Pass with Amendment and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 43, relative to the adoption of forms under the administrative procedures act. Ought to Pass, Vote 4-0. Senator Carson for the committee. SENATOR CARSON: Thank you, Mister President. I move House Bill 43 Ought to Pass. House Bill 43 removes the provisions of the Administrative Procedures Act, which made forms adopted by agencies to be non-expiring. The bill is a request of the Joint Legislative Committee on Administrative Rules.

The ED&A Committee voted favorably 4-0 Ought to Pass and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PRESIDENT BRAGDON: Before we're attentive to the Clerk, we have some visitors. And, I understand that Senator Luther – no, Lambert... Somebody from Nashua will be introducing these guests.

(The Chair recognized Sen. Lambert.)

SENATOR LAMBERT: Thank you very much, Mister President; it is somewhat confusing, anyway. The Nashua Christian Academy is here today, and we welcome them, because they are a part of my District – District 13 – they're actually in Ward 4 – one of my favorite wards; however, the only ward that I did lose in the election. But, I still love them anyway, and thank you very much for coming here today. But, before I formally introduce you, Senator Luther would like to say a few words about them.

SENATOR LUTHER: Well, this is such an outstanding school that we've had to fight over how we were going to do this. But, I'm actually a – Nashua Christian Academy is a school that's run by the church that I'm part of: the Grace Fellowship Church in Nashua. I had the privilege, actually, of – Hey guys; how are you all doing? – of being before the school a couple weeks ago. They asked me – this was the high-schoolers – to explain why Washington was going to shut down. So, they want to know, they want to understand politics. So, great to see you all; thanks for coming, and we're just privileged to have you all here. So, let's thank them for being here.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 102 be Re-referred to the Committee. This legislation establishes a committee to study certain issues relative to the Insurance Department, Banking Department, and Bureau of Securities Regulation of the Office of the Secretary of State.

The ED&A Committee recommended Re-refer so that this legislation could be reviewed with similar legislation which has been retained by the Committee. Therefore, the ED&A Committee asks for your support in the adoption of House Bill 102. Thank you very much, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. White asserts Rule 2-15 on HB 102.

PRESIDENT BRAGDON: I understand we have some more guests, and I understand Senator Boutin may know something about them.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. It is a great privilege for me to welcome the law and ethics class from Bow High School. Bow High School is an outstanding high school; it excels both in academics and athletics, and I urge you to join me in welcoming them today to the Senate. Thank you.

PRESIDENT BRAGDON: Thank you, Senator Boutin. And, to no one's surprise, Senator D'Allesandro has a connection to someone in the balcony.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Actually, he's on the floor; and, one of my grandsons, Jacob Berrigan. Now, Jacob is not only a scholar, which is of primary importance, but he's an outstanding baseball player; he's on the baseball team, and played Babe Ruth last year. So, Jacob is going to be a future Senator, I'll tell you that. Thank you, Mister President.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

SENATOR LARSEN: Thank you, Mister President. I move House Bill 150 Ought to Pass. House Bill 150 clarifies that for Judicial Branch employees who transfer without a break in service from the Judicial Branch to state service in the Executive or Legislative Branches, that the rate of accrual of annual and sick leave shall be according to the continuous years worked, and upon the employee's transfer, the rate of accrual shall be the rate of accrual of the receiving branch. This legislation brings equity to all transfers within the branches, and the ED&A Committee voted favorably 4-0 Ought to Pass and asks for your support for this in its adoption. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration

April 28, 2011

2011-1634s

01/10

Amendment to HB 178

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2011.

SENATOR CARSON: Thank you, Mister President. I move House Bill 178 Ought to Pass. House Bill 178 establishes a committee to study issues regarding Financial Resources Mortgage, Inc.

As we are aware, the lasting effects of the Financial Resources Mortgage company devastated many people in the State of New Hampshire who had invested their monies in what they believed to be a reputable investment company. Most of these investors lost everything.

The ED&A Committee voted favorably 4-0 Ought to Pass with Amendment and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

April 28, 2011

2011-1656s

05/04

Amendment to HB 380

Amend the bill by replacing section 1 with the following:

1 Commission on the Status of Men; Reinstatement. Pursuant to 2009, 144:87, I(a), the commission on the status of men, established in RSA 19-I, is hereby reinstated until June 30, 2012.

Amend the bill by replacing all after section 2 with the following:

3 Repeal, RSA 19-I, relative to the commission on the status of men, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2012.

II. The remainder of this act shall take effect upon its passage.

2011-1656s

AMENDED ANALYSIS

This bill extends the commission on the status of men to June 30, 2012 and directs the commission to examine the social and economic consequences of the absence of fathers from the home.

SENATOR GROEN: Thank you, Mister President. I move House Bill 380 Ought to Pass with Amendment. House Bill 380 exempts the commission on the status of men from repeal on June 30, 2011, and directs the commission to examine the social and economic consequences of the absence of fathers from the home.

The committee amendment reinstates the commission until June 30, 2012. I strongly support this bill as amended by the Committee, and the ED&A Committee voted favorably 4-0 Ought to Pass with Amendment and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Barnes is in opposition to the Committee Amendment on HB 380.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Barnes is in opposition to the motion of Ought to Pass as Amended on HB 380.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. Re-refer to committee, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move House Bill 418 be Re-referred to committee. This legislation requires state agencies to consider open source software when acquiring software and promotes the use of open data formats by state agencies.

The ED&A Committee believes that there are issues with this legislation which need to be addressed before it moves forward. Therefore, the Committee recommends that HB 418 be Re-referred to committee and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. Ought to Pass, Vote 4-0. Senator White for the committee.

SENATOR WHITE: Thank you, Mister President. I move House Bill 461-FN Ought to Pass. This legislation repeals provisions which allow Group I and Group II members of the New Hampshire retirement system to purchase credits for out-of-state service.

The ED&A Committee recommends House Bill 461-FN Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 508-FN, establishing a performance measurement system for state agencies. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

SENATOR LARSEN: Thank you, Mister President. I move that House Bill 508 Ought to Pass. This legislation establishes a pilot program for the development of a performance measurement system in the Department of Health and Human Services. No additional funds will be needed, and the Department will be able to do this, they assure us, within their existing resources and within their budget.

Therefore, the ED&A Committee recommends House Bill 508 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

FINANCE

HB 72-FN-A, establishing a state aeronautical fund. Re-refer to committee, Vote 7-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 72 to be Re-referred to the Committee. This bill would establish a state aeronautical fund, and it would authorize the Commissioner of the Department of Transportation to accept donations to the fund.

There were vital pieces of this legislation that have been recognized by the Committee regarding the importance of rural New Hampshire airports that play in the economic stability of the communities in which they reside. The Committee would like to review this bill a little more in hopes we can establish this fund.

Please support the Finance Committee's motion of Re-refer, and I thank all my colleagues in advance.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. Ought to Pass, Vote 7-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move House Bill 339 Ought to Pass. House Bill 339 allows the state veterinarian to employ

a meat inspection services administrator, establishes a meat inspection program fund, and makes an appropriation to such fund. The appropriation is \$1 in 2012, and deposited into the meat inspection program fund. Once running, the program fund will pay for itself, and includes a list of not to exceed fees for inspection services.

Please support the Finance Committee motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts. Ought to Pass, Vote 7-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 438-FN-A Ought to Pass. This bill comes about out of an attempt to close a number of district courts in the current biennium, which all remain open today due to the 2009 legislative action. This bill requires the Colebrook District Court, the Keene District Court, the Claremont District Court, the Plaistow District Court, and the Milford District Court to remain open in the fiscal years 2012 and 2013. The Judicial Branch is required to pay the maintenance costs within their operating budget for these courts.

Please support the Finance Committee motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

Senate Finance

April 28, 2011

2011-1668s

05/04

Amendment to HB 635-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT requiring the governor to consolidate certain agency functions and making an appropriation therefor, and requiring the transfer of inmates from the state correctional facility in Concord to a private correctional facility.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Department of Corrections; Transfer of Inmates from the State Correctional Facility in Concord.

I. Pursuant to the authority granted in RSA 21-H:8, VI-VII, the commissioner of the department of corrections shall enter into one or more contracts, as may be necessary, with appropriate private correctional agencies or facilities and shall make proper and necessary arrangements with such agencies or facilities for the transfer and reception of not more than 600 inmates currently incarcerated at the state correctional facility in Concord.

II. The department shall not close the North Country facility located in Berlin as a result of meeting the reductions required by this section.

III. As a result of the transfer of inmates, the commissioner of the department of corrections shall reduce the department's general fund appropriation by \$5,000,000 for the fiscal year ending June 30, 2012 and \$5,500,000 for the fiscal year ending June 30, 2013.

IV. If as a result of the transfer of inmates, the commissioner is able to reduce the department's general fund appropriation by more than the amount required in paragraph III, the commissioner shall expend any excess funds on the development and implementation of programs and services for the probation, parole, and sentencing of certain offenders required under 2010, 247 (SB 500-FN of the 2010 legislative session), as amended, with the approval of the fiscal committee of the general court.

2011-1668s

AMENDED ANALYSIS

This bill:

I. Requires the governor to develop a plan for consolidating certain agency functions, and includes an appropriation for the purpose of hiring consultants.

II. Requires the commissioner of the department of corrections to transfer not more than 600 inmates currently incarcerated at the state correctional facility in Concord to private correctional agencies or facilities and to reduce the department's general fund appropriation for the biennium ending June 30, 2013.

Sen. Morse moved to Recommit to Committee HB 635-FN-A. Adopted.

Sen. De Blois asserts Rule 2-15 on HB 635-FN-A.

HEALTH AND HUMAN SERVICES

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes. Ought to Pass, Vote 4-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 168 Ought to Pass. House Bill 168 establishes a committee to study the juvenile delinquency and child in need of services statutes. These statutes have not been evaluated since their inception, and they stand to be improved in various ways. It is important that we evaluate how to best serve this vulnerable population within the constraints of our current budget.

Therefore, the Health and Human Services Committee recommends House Bill 168 Ought to Pass, and we ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 284-FN, relative to contact lens prescriptions. Ought to Pass, Vote 3-2. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 284 Ought to Pass. House Bill 284 clarifies the requirement that contact lenses – including those without refractive power, which means those contact lenses that are decorative in nature – be issued only by a valid prescription.

Federal law already classifies contact lenses, including those without refractive power, as medical devices requiring a prescription. This bill will align state law with federal law in order to better protect public safety from serious health risks caused by ill-fitting and improperly used contact lenses. It was also a request of the Pharmacy Board in New Hampshire.

The Health and Human Services Committee recommends that House Bill 284 Ought to Pass and we ask for your support. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 284-FN.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

Health and Human Services

April 22, 2011

2011-1539s

10/05

Amendment to HB 295

Amend the bill by replacing section 1 with the following:

1 Board of Medicine; Lyme Disease Treatment. The board of medicine established in RSA 329:2 shall post and maintain on its website the following statement: No licensee may be subject to disciplinary action solely for prescribing, administering, or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented and monitored in the physician's medical record for that patient.

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. "Lyme disease" means the clinical diagnosis by a licensed physician of the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*; or with late stage or persistent or chronic infection with *Borrelia burgdorferi*; or with complications related to such an infection; or such other strains of *borrelia* that are recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention, and other acute and chronic manifestations of such an infection as determined by a licensed physician, pursuant to a clinical diagnosis that is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis.

SENATOR DE BLOIS: Thank you, Mister President. I move House Bill 295 Ought to Pass with Amendment. House Bill 295 requires the Board of Medicine to post a statement on its website stating that no licensee may be subject to disciplinary actions solely for prescribing, administering, or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease if diagnosis and treatment have been documented in a physician's medical record for that patient.

The committee amendment returns the definition of Lyme disease to the definition in the bill as introduced. This definition is more expansive, and will better protect the physicians who treat chronic Lyme disease patients. The amendment also adds to the sentence on the website that the treatment must be monitored in order to prevent over-treating with antibiotics.

New Hampshire is among the top three states for incidence of Lyme disease, yet we have only a handful of physicians who will treat chronic Lyme disease. House Bill 295 will increase the level of appropriate care in New Hampshire by reducing the fear of repercussions among practicing physicians.

Please join the Health and Human Services Committee in voting HB 295 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Groen is in favor of the Committee Amendment to HB 295.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise in support of this important bill. And, to begin, I would just like to acknowledge and to thank Senator Bradley for his ability and leadership as the Chair of this committee; as you know, this is a difficult issue. We heard many, many people come before us who are in pain and suffering and also just an emotional pain for their loved ones. And, Senator Bradley did an outstanding job; in fact, he even allowed the four children of parents who were coming to testify to sit with us while their parents testified. So, I do want to thank him and acknowledge him for that.

You know, this legislation puts many of us as legislators, I think, in a difficult position, due for both our respect for the credibility of the medical profession and for the difficult testimony, as I said, that we heard from many, many who are currently suffering. And, we as a committee, had a very lengthy discussion, and what we discussed a lot was the role of government regarding medical decisions. And, after a thorough discussion, the Committee did move Ought to Pass by including the words "monitoring" – which I think is important as we go forward in this disease – by physicians in the legislation. And also, we were able to discuss and move forward because of our respect for the important and primary relationship that exists between a physician and their patient.

So, I do support Ought to Pass. Thank you, Mister President.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 4, 2011

2011-1743s

10/04

Floor Amendment to HB 295

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. "Lyme disease" means the clinical diagnosis by a licensed physician of the presence in a patient of signs or symptoms compatible with acute infection with *Borrelia burgdorferi*; or with late stage or persistent or chronic infection with *Borrelia burgdorferi*; or with complications related to such an infection; or such other strains of *borrelia* that are recognized by the National Centers for Disease Control and Prevention as a cause of Lyme disease. Lyme disease includes an infection that meets the surveillance criteria set forth by the National Centers for Disease Control and Prevention, and other acute and chronic manifestations of such an infection as determined by a licensed physician, pursuant to a clinical diagnosis that is based on knowledge obtained through medical history and physical examination alone, or in conjunction with testing that provides supportive data for such clinical diagnosis. This definition is based on Connecticut Public Act No. 09-128 (HB 6200, approved June 18, 2009).

SENATOR BRADLEY: Thank you very much, Mister President. Senator Kelly, thank you for those kind words. Now I have to eat crow, and apologize to my Democratic friends for being neglectful this morning in getting to you this final version of the floor amendment.

As people know on both sides of the aisle, there was a request yesterday to give a citation as to where the definition came from. We had been under the impression that the definition came from the ILADS Organization: the International Lyme Disease Organization. When I talked with the sponsor of the bill, Representative Daniels, last night, he told me that we were mistaken, that the definition had not come from ILADS. The request was that the definition be cited as to where it was sourced.

And so, we have added, in this floor amendment – and, again, my apologies, Senator Kelly, especially after those nice words; it really hurts to eat crow, but it's deserved in this case – that we've added the sentence: "This definition is based on Connecticut Public Act No. 09-128 (HB 6200), which was approved on June 18, 2009"; no other changes in the definition. And, as both my good friend, Senator De Blois, and Senator Kelly have indicated, this bill is a vitally important bill to all of the people, including my best friend, who has long-term chronic Lyme, allowing more physicians to be able to treat Lyme patients in our state.

The Committee worked extraordinarily hard, heard compelling testimony; I have to salute Senator Forsythe, who is a cosponsor of the legislation, as well as all of the House sponsors who brought this to us. I think with this floor amendment, the controversy around this bill will dissipate and we can start the process of better treating those amongst us who are afflicted with this problem of Lyme disease. Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: I'm trying to discern... Through the course of the hearing, it appears that the Board of Medicine opposed this amendment and this language entirely, but the Medical Society came to agree on one of the compromises. Can you clarify which the Medical Society finally came to agree on?

SENATOR BRADLEY: The Medical Society agreed on the notation on the Board of Medicine's website that physicians – the first part of the bill – would not be sanctioned for prescribing long-term antibiotics. And, that was agreed upon by the New Hampshire Medical Society.

There was disagreement about the definition of Lyme disease; there is a Center for Disease Control definition and there is an alternative definition that we thought, mistakenly, was the ILADS definition. In fact, it is a definition that Connecticut largely used, and the New Hampshire Medical Society wanted it noted in the session law, which this definition will be, where the definition came from.

With that, I hope that the Medical Society's objection to the not using the CDC definition will be mitigated.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Bradley.)

SENATOR LARSEN: Thank you, and if I could ask a further question. I understood one of the most important parts of this also clarifies that no licensee would be subject to disciplinary action solely for prescribing or administering long-term antibiotic therapy. And, that "solely" means that there would be instances in which someone prescribed long-term antibiotic therapy and misdiagnosed or misused it, but if it's the sole reason is for treatment of Lyme disease, then it would not be something which the Board... Has the Board ever charged someone for treatment of long-term antibiotics?

SENATOR BRADLEY: My understanding, Senator Larsen, is that that has not occurred; that the Board has not sanctioned somebody for prescribing long-term antibiotics. But, there is fear among physicians, because prescribing of long-term antibiotics is somewhat controversial, it needs to be done for a good reason. And, unfortunately, with Lyme disease – in particular for those who are afflicted with it on a long-term basis that may have had a misdiagnosis or didn't even really realize that they had a problem for several years – at that point in time, the long-term antibiotics are a more accepted, though not universally accepted, position. There are not many physicians that are treating patients in New Hampshire for Lyme disease. My hope is that with passage of this legislation, we will see more physicians treating people, and through that process, learning more about effective treatments for Lyme disease, which is increasingly a problem in our state.

SENATOR LARSEN: I recognize that. Thank you.

SENATOR BRADLEY: Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

Sen. Groen is in favor of the Floor Amendment to HB 295.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. I too will support this piece of legislation. But, I would like to be on the record as saying I hope this is the first and last time the Legislature gets involved with defining a disease and defining a treatment protocol. This sets a very dangerous precedent, and I hope in the future, the Legislature will not have legislation diagnosing and treating disease entities. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to support the bill as amended. The frequency of Lyme disease in our area is very, very high. I'm sure that you know someone who has Lyme disease or contracted Lyme disease. My son contracted Lyme disease; it was diagnosed early and he was able to be treated and the disease was done away with. I have a player who played for me, lives in Connecticut, who's been suffering with Lyme disease for a number of years. He had to go out of this country to get treated; actually had to go to France to get treated. He lived in isolation in France in a pure environment in order to deal with this situation. He was an outstanding athlete; his body was almost totally crippled: joints, tremendous pain, inability to eat.

So, I think there are times – you don't want Legislatures diagnosing, and I agree with my distinguished veterinarian colleague. He's right; we shouldn't be that. But, there are times when you really have to step up to the plate. This particular situation has been around for the last couple of years; we passed it last year, and it somehow didn't get through the other body. But, this is an attempt to address a situation that affects so many New Hampshire citizens, and we're doing it in an effective and an efficient manner, and we're protecting the physician who does prescribe the antibiotics. I think it's the right thing to do; it's the appropriate time. It's something that actually is pervasive in our environment. The number of people with Lyme disease keeps growing. So, we're doing the right thing; I applaud the members of the Committee for their action. Senator Bradley, I support your amendment because it's always nice to see you eating crow. Well, crow's not a bad delicacy! I've eaten a lot of it, myself. Thank you very much, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just wanted to salute David Hunter of the Greater Manchester Lyme Disease Support Group for being a resource in the Greater Manchester area on this subject for a number of years to a lot of families and for his tireless work on educating the public and the Legislature about this issue.

(The Chair recognized Sen. Kelly for a question of Sen. Larsen.)

SENATOR KELLY: Senator Larsen, I just wonder if you would agree that the passage of this legislation is important as well, and one of the motives and intents is to respect and honor the relationship between the physician and the patient.

SENATOR LARSEN: I believe that patient-physician privacy is of utmost importance, and that this bill will in fact increase that.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sens. Forsythe and Groen are in favor of the motion of Ought to Pass as Amended on HB 295.

HB 488-FN, relative to criminal records checks for employment with child day care agencies. Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move HB 488 Ought to Pass. House Bill 488 provides an amended criminal records check when an employee or volunteer of a child day care agency who has completed the full criminal records check within the last three years transfers to another day care agency.

Under this bill, day care workers will still be required to undergo a state criminal records check each time they transfer to a different agency. However, they will no longer be required to an additional federal records check and fingerprinting if they transfer within three years. This will reduce redundancy and save the day care agencies the costs of unnecessary second federal records checks and sets of fingerprints.

The Department of Safety has expressed its support of this legislation, and I note that childcare agencies check the Division of Children, Youth, and Family abuse and neglect registry each time new personnel is added, which provides additional information beyond that available in a criminal records check. Also, the childcare licensing unit of Health and Human Services incorporates a check of the national sex offender registry into its process for new childcare applicants.

Health and Human Services recommends HB 488 Ought to Pass and asks for your support.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise in support of the legislation. I just wanted to respond to some of the testimony that you would see in the hearing report from Jeffrey Kellett, who's the Chief Administrator for the State Police Criminal Records. He had testified with some concerns in regard to the legislation, and was requested by the Chair of the Committee to work with the Department of Health and Human Services. They did, and he came back and sent us a letter; I just want to read a couple things from the letter just to clarify his testimony for the record.

He stated in his letter that the Department of Health and Human Services and the Department of Safety engaged in conversations that would move HB 488 forward yet preserve the integrity of the criminal history background process with the highest priority being the safety of the children at these agencies. Several factors were taken into consideration during those discussions, and upon assurances and the willingness to work with the Department of Safety in moving forward, Department of Health and Human Services will continue to enforce and monitor the controls already in place, incorporate a search of the national sex offender registry, and through instructional information to be provided to childcare agencies, will require more in-depth hiring procedure beyond the scope of a criminal record check. Based upon the above, he says: "I am confident that the integrity of the requirements for childcare agency applicants with respect to the FBI and New Hampshire criminal history record check remains solid and will not set precedence for wide-sweeping changes to other existing public law. Therefore, I support HB 488-FN as submitted." And, that was presented by Jeffrey Kellett, Chief Administrator, State Police Criminal Records Unit. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership. Ought to Pass, Vote 4-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I'll again endeavor to speak quickly. I move House Bill 504 Ought to Pass. House Bill 504 licenses reverse distributors of drugs, and also requires manufacturers, wholesalers, distributors, reverse distributors, and brokers to report any change of ownership.

The Board of Pharmacies has requested this bill because the term "reverse distributor" needs to be in statute in order for the Board to be able to make rules regarding their practice in New Hampshire. Reverse distributors are licensed in many other states, and their business of buying unused expired drugs from pharmacies and selling them back to the manufacturer is quite common.

The Board also requested language that would require manufacturers, wholesalers, distributors, reverse distributors, and brokers to inform the Board when there is a change of ownership to identify the new owners. Please join the Health and Human Services Committee in voting Ought to Pass on HB 504. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. Re-refer to committee, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 632 be Re-referred to Committee. This bill would provide labeling requirements for drugs dispensed by an automated pharmacy system.

The Committee saw merit in the labeling requirements but believes the legislation is premature. So, we would ask you to Re-refer. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. One page this time. I move House Bill 642 Ought to Pass. House Bill 642 requires the Commissioners of the Departments of Health and Human Services and Administrative Services to jointly issue a request for information, soliciting information regarding the feasibility of unifying the public payers of healthcare benefits into a single pharmacy benefits manager.

Under this bill, if the RFI suggests there would be cost savings under such a system, the Commissioners shall issue a request for a proposal. The potential savings of merging these public payers may reduce a significant cost burden to the State.

Therefore, the Health and Human Services Committee recommends Ought to Pass on HB 642.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

JUDICIARY

HB 431, relative to psychiatric evaluations. Ought to Pass, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass on HB 431. This legislation allows the court to determine whether a psychiatric evaluation will be shared with the facility when an individual is involuntarily committed.

Two years ago, legislation was enacted to protect the privacy of individuals who were subject to nonemergency involuntary admissions. The legislation sealed the court records, which included the psychiatric evaluation done in order for the judge to make a determination. This bill merely corrects this unintended consequence.

What is happening right now is that the sheriff arrives at New Hampshire Hospital with the patient with one sheet of paper: the court order. This is akin to me going to my doctor and refusing to tell him what ails me. In order to best serve and treat these patients, having the psychiatric evaluation available to the attending medical staff would enable hospital personnel to have a better picture of what issues the individual is dealing with and how to begin immediate treatment. The judge would make the determination as to whether it is appropriate to share this evaluation. New Hampshire Hospital would continue to do their own diagnosis and treatment plan, but this initial evaluation gives them important data.

The committee amendment merely moves the effective date to 60 days after passage as requested by the Hospital and sponsors.

The Judiciary Committee recommends that HB 431 be adopted with amendment and asks for your support. Thank you.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. Inexpedient to Legislate, Vote 4-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move HB 181 Inexpedient to Legislate. This bill would provide that the charter of a city, town, or school district that was established by the General Court and which does not have a local amendment process would revert to governance by the provisions of RSA 49-B.

In the fall of 2009, a legislatively created commission was appointed and later recommended that a Concord School District charter commission be elected to develop and recommend a procedure to revise, amend, or replace the Concord School District charter. HB 1497 of the 2010 session details that history.

This charter commission, elected locally, has met frequently since that time and has made its recommendations for an amendment process and submitted its preliminary report to the AG with a final report expected before the end of June. The question of accepting the charter commission's recommended amendment procedure will be put to the voters of Concord in November of 2011.

HB 181 adds confusion to a local approval process that is almost complete. If passed, the bill would nullify the efforts accomplished to date by the charter commission. In addition, no other municipalities appeared before the Committee in support of the bill, nor is there evidence that this bill is needed by other communities.

The Public and Municipal Affairs Committee therefore recommends HB 181 Inexpedient to Legislate and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 358, relative to the maintenance, repair, and preservation of burial grounds. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 358 Ought to Pass. This bill amends RSA 289 to use existing mechanisms to establish a procedure for volunteer maintenance of private burial grounds.

Current law makes it cumbersome and difficult for a municipality to declare a private burial ground abandoned and be able to undertake its maintenance. The volunteer or organization interested in caring for the burial ground must petition the municipality for permission to clean, maintain, restore, and preserve the burial ground at its own expense. Written permission must be received from the owner of the land over which these volunteers desire to pass. The work must be completed and the right of way restored if it is disturbed. The bill provides protection from any civil liability for the landowner and the municipality.

The New Hampshire Graveyard Association, the New Hampshire Preservation Alliance, and the Division of Historical Resources all worked together to develop language for the bill.

The Public and Municipal Affairs Committee recommends House Bill 358 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 411, relative to distributing campaign materials at the polling place. Inexpedient to Legislate, Vote 5-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I rise on behalf of the Public and Municipal Affairs Committee to move House Bill 411 Inexpedient to Legislate. The bill proposed to allow moderators at polling areas to alter the corridor when people are coming to vote. Moderators told us there was no problem; they saw no reason to change the law. So, we agreed with them. So, the Public and Municipal Affairs Committee recommends House Bill 411 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 466-FN, eliminating the ballot law commission. Re-refer to committee, Vote 5-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 466 be Re-referred to committee. It was a unanimous vote of the Committee, and I appreciate your support.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

TRANSPORTATION

HB 134, relative to eligibility for walking disability plates. Inexpedient to Legislate, Vote 3-0. Senator Kelly for the committee.

SENATOR KELLY: Thank you, Mister President. I move House Bill 134 Inexpedient to Legislate. This bill authorized the Director of the Division of Motor Vehicles to exempt persons with permanent disabilities from having to resubmit proof of eligibility for walking disability plates every five years.

In voting on this bill, the Committee was extremely sensitive to the concerns of our United States Military veterans. The Committee specifically heard from one United States Military veteran who explained this bill would mean further abuse of placards and further inaccessibility to handicapped parking, therefore having a negative impact on disabled veterans.

The Committee respects the intent of the bill, but it was made clear the five-year renewal process was not burdensome on our permanently disabled citizens, as they can be done by mail.

The Transportation Committee asks for your support for the motion of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 335-FN-A, establishing multi-use number plates. Ought to Pass with Amendment, Vote 4-0. Senator Forsythe for the committee.

Senate Transportation
April 28, 2011
2011-1658s
03/05

Amendment to HB 335-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent.

1. The general court wishes to avoid the proliferation of specialty number plates that has become prevalent in some states and to reaffirm that

the primary purposes of number plates on vehicles are to provide a ready means of identification of vehicles and their owners and to provide revenues for the state's highway fund. The general court recognizes the value of number plates for law enforcement and crime prevention purposes and that they are used by police officers, victims of crimes, and witnesses to crimes to establish the identity of perpetrators and to clear innocent persons of accusations. It is therefore important that number plates be legible and easily recognizable from a distance and that the number of plate types be limited sufficiently to avoid duplication of numbering schemes and to make the plates easily recognizable as to the state or province that issues them and as to the unique plate type.

II. The general court further recognizes the issuance of license plates and the fees collected from number plate issuance as a valuable source of user-based revenue for the highway fund and the importance of number plates as a ready indication that a vehicle is properly licensed and has paid the appropriate fee.

III. The general court declares that, although not the primary purpose of number plates, they can be a source of pride, such as indicating prior military service or affiliation with a nonprofit or charitable organization, but in consideration of New Hampshire's rich and diverse social fabric they should not be used as tools to promote specific religious or political beliefs or to advertise businesses, and should not contain designs that reasonable persons would find offensive to good taste.

IV. The general court declares its intent to limit the future issuance of specialty number plates by establishing multi-use plates with a consistent and unique numbering scheme and appearance and that future proposals to establish specialty number plates shall conform to the provisions of this act.

2 New Chapter; Multi-Use Plates. Amend RSA by inserting after chapter 261-A the following new chapter:

CHAPTER 261-B

MULTI-USE PLATES

261-B:1 Multi-Use Plates Authorized.

I. The department shall issue multi-use plates upon receipt of an application meeting the requirements of RSA 261-B:3. Except as otherwise provided in this chapter, multi-use plates shall have the same effect and be issued in the same manner as other number plates. Multi-use number plates shall include a design submitted by the applicant and approved by the director and shall bear a registration number beginning with a letter of the alphabet designated by the director for the applicant. Multi-use number plates shall retain the "live free or die" logo. The department shall not issue vanity multi-use plates.

II. The director shall review all designs submitted to ensure that the design meets the requirements of this chapter and is not capable of an obscene interpretation nor a design which a reasonable person would find offensive to contemporary community standards of good taste. The director shall deny the use of any design that does not meet these criteria.

261-B:2 Eligibility.

I. The department shall only accept an application for multi-use plates from an agency of the state of New Hampshire or an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code and registered with the attorney general.

II. The department shall not approve applications for multi-use plates from religious organizations, political parties, or political advocacy groups, or as advertisements for businesses.

III. The department shall approve the following multi-use plate types:

(a) Number plates supporting New Hampshire public higher education which incorporate the mascots or logos of the university of New Hampshire, Plymouth state university, Keene state college, and the community college system of New Hampshire.

(b) Number plates bearing the insignia of the branch of military service in which the registered owner of the vehicle has honorably served or is serving, upon presentation of satisfactory proof of such affiliation.

(c) Number plates bearing appropriate insignia for vehicles owned by certified firefighters or licensed emergency medical technicians upon presentation of satisfactory proof of such affiliation in good standing. In such cases the portion of the fees payable to the applicant under RSA 261-B:4, I(b) shall be paid to the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

(d) Number plates bearing the insignia of the Boston Red Sox, with the portion of the fees payable to the applicant under RSA 261-B:4, I(b) paid to the Children's Hospital at Dartmouth.

(e) Number plates bearing the insignia of other New Hampshire or New England professional sports teams with the fees payable to the applicant under RSA 261-B:4, I(b) paid an appropriate registered charitable organization supported by the team, approved by the director.

(f) Such other plates as the director from time to time may approve for issuance provided they meet the criteria in this chapter.

261-B:3 Application.

I. An application for multi-use plates shall provide:

(a) Verification of the applicant's eligibility under RSA 261-B:2.

(b) A proposed design to be placed on the applicant's plate series, which shall occupy an area no more than 3 inches wide by 4 inches high on the plate surface.

(c) The owner's name, date of birth, and vehicle registration information for at least 1,000 vehicles which will be issued the initial multi-use plates in the applicant's plate series.

(d) Forty dollars for each vehicle listed pursuant to subparagraph (c).

II. After successful submission of the application information under paragraph I and review of the design under RSA 261-B:1, the applicant shall verify annually the applicant's continuing eligibility. Failure to verify eligibility shall result in the termination of the applicant's multi-use plate series.

261-B:4 Issuance and Renewal; Fees.

I.(a) The fee for multi-use number plates shall be \$40 per year per set, which shall be in addition to any other registration and number plate fees. Plates issued for vehicles listed by the applicant under RSA 261-B:3, I(c) shall be exempt from this fee for the first year.

(b) The department shall retain from fees collected under this chapter an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer, who shall pay 60 percent of such funds to the applicant entity and 40 percent to the highway fund.

II. Multi-use plates may be issued at any time during the registration period; however, there shall be no proration of the multi-use plate fees.

III. Multi-use plates shall only be issued by the division and shall not be available from municipal agents or other agents of the division.

IV. Multi-use plates may be used on passenger motor vehicles and self-propelled recreation vehicles.

V. If the annual subscription to any multi-use plate series falls below 750 vehicles, the director may terminate the issuance of new plates for that series. If the annual subscription to any multi-use plate series falls below 500 vehicles, the director shall terminate that series.

3 Prospective Repeal. RSA 261-B, relative to multi-use plates, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2015.

II. The remainder of this act shall take effect January 1, 2012.

Sen. Forsythe moved to Lay on the Table HB 335-FN-A. Adopted.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Senate Transportation

April 28, 2011

2011-1650s

03/09

Amendment to HB 347

Amend the bill by replacing section 1 with the following:

1 Motor Vehicle Records; Disclosure Required. Amend RSA 260:14, II-a to read as follows:

II-a. The accident report, the technical accident reconstruction report, any repair estimate, or any similar document that constitutes a motor vehicle record that is created or received as a result of any accident or collision involving a ~~[state-owned or state-leased]~~ vehicle ***owned or leased by the state, a county, a city, a town, or a local public entity*** shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A ***except when inspection or disclosure would risk exposure of undercover law enforcement activity. Any report of a violation of this title by an employee or official of a county, a city, a town, or a local public entity while engaged in official business in a vehicle owned or leased by the state, a county, a city, a town, or a local public entity shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A.***

SENATOR KELLY: Thank you, Mister President. I move House Bill 347 Ought to Pass as Amended. This bill exempts from nondisclosure the records of vehicle accidents or collisions involving a vehicle owned or leased by the State, a county, a city, a town, or a local public entity. The intent of this bill was to give state, county, and municipal government added transparency.

The Committee amended the bill to exempt undercover officers working in their official law enforcement capacity, as the Committee felt it was important not to compromise their safety or their investigation.

The Transportation Committee asks for your support for the motion of Ought to Pass as Amended. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. Inexpedient to Legislate, Vote 4-0. Senator Boutin for the committee.

SENATOR BOUTIN: Yes, Mister President. Thank you. I rise on behalf of the Transportation Committee to move House Bill 374 Inexpedient to Legislate. This bill would have required the banning of ethanol – corn-based ethanol – which is used in our gasoline.

We heard from a number of New Hampshire bio-fuel industry representatives that they are on the cusp of coming up with commercialized alternatives to ethanol. We also heard that if we did do this that we would have to get what is called “boutique gasoline” and it would cost the consumers a lot more than what might be saved.

So, I ask my fellow Senate colleagues to join the Transportation Committee in support of the motion of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. Sanborn is in opposition to the motion of Inexpedient to Legislate on HB 374.

WAYS AND MEANS

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. Inexpedient to Legislate, Vote 4-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move House Bill 209 Inexpedient to Legislate. This bill sought to establish a study committee to recommend a continuing revenue estimating process. The Legislature already does many of the tasks outlined in this bill. The revenue forecasting done by the Legislature has been quite accurate – except for this year.

The Ways and Means Committee feels the bill is unnecessary. The Ways and Means Committee asks for your support for the motion of Inexpedient to Legislate. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 579, exempting department of revenue administration guidelines from the right-to-know law. Ought to Pass with Amendment, Vote 4-0. Senator D’Allesandro for the committee.

Senate Ways and Means

April 26, 2011

2011-1583s

01/09

Amendment to HB 579

Amend the title of the bill by replacing it with the following:

AN ACT exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Revenue Counsel. Amend RSA 21-J:6-b, II to read as follows:

II. The commissioner shall appoint the position of revenue counsel *who shall serve at the pleasure of the commissioner.*

2011-1583s

AMENDED ANALYSIS

This bill clarifies the confidentiality of department of revenue administration records for the purposes of performance audits conducted by the legislative budget assistant and RSA 91-A.

This bill also clarifies that the position of revenue counsel shall serve at the pleasure of the commissioner of the department of revenue administration.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move House Bill 579 Ought to Pass with Amendment. This bill clarifies the confidentiality of records at the Department of Revenue Administration for the purpose of performing audits conducted by the Legislative Budget Assistant in RSA 91-A.

This came about as a result of the inability of the LBA to complete an audit of the DRA. There was a conflict over the LBA's ability to obtain certain documents from the DRA and the DRA's need to comply with confidentiality statutes. The language in this bill is needed in order for the DRA to be able to comply with performance audits without violating confidentiality laws. All of the parties involved worked together to craft this solution.

The committee amendment was at the request of the DRA and makes the position of revenue counsel one that serves at the pleasure of the Commissioner. This was done to provide accountability by establishing a clear method for removal, which is now lacking. The position is currently vacant, and the DRA is looking to fill it under these new parameters.

The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

PRESIDENT BRAGDON: I will announce that HB 131 will not be going to Finance. It's currently in the Judiciary Committee; it will not be going to Finance, thus does not need to come out before tomorrow.

The Clerk read the following Message from the House:

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Bradley, Carson, and Larsen.

The Clerk read the following Message from the House:

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 147-FN, relative to Medicaid managed care.

Sen. Bradley moves concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HB 30, (New Title) relative to qualifications for licensure by the board of veterinary medicine.

HB 31, (New Title) relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

HB 216, relative to the instructional authority of school boards.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 284-FN, relative to contact lens prescriptions.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.

HB 358, relative to the maintenance, repair, and preservation of burial grounds.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HB 381, authorizing net metering for micro-combined heat and power systems.

HB 401, relative to postsecondary training for workers with disabilities.

HB 424, relative to surplus lines tax collection.

HB 431, relative to psychiatric evaluations.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 488-FN, relative to criminal records checks for employment with child day care agencies.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river.

HB 579, (New Title) exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.

HB 629-FN, relative to the uninsured health care database.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Bradley: HB 44, HB 149.

Sen. De Blois: HB 635-FN-A.

Sen. White: HB 102.

ANNOUNCEMENTS

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I'd like to let the Senators know that on June 5th at 2:00 in Meredith there will be a ribbon-cutting for Johnson Bay, and I invite all the Senators to attend. I also want to thank all of you for the vote on Senate Bill 85, which passed out of the Senate 24-0. I'd also like to thank all those Senators who made a contribution to the fund for the sign. Directions and more detail about the event will be forthcoming, and I invite everyone to attend.

(The Chair recognized Sen. D'Allesandro to speak.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mr. President, I'd like to take a point of personal privilege if I might, please.

Some of you may have seen today's *Manchester Union Leader*, on the obituary page: Colonel Paul Doyon has passed away.

Colonel Doyon was the leader of our State Police for a number of years, and really a tremendous story in that he was a Manchester police officer, then became a Trooper, rose from Trooper to Colonel of State Police. Those of you that knew Paul Doyon know that he was really the epitome of a Trooper: standing tall and representing us in, I think, great fashion. Paul was an avid fisherman, an avid hunter. He and Representative Bill Boucher, many, many times, went hunting and fishing together.

Paul was 83 years of age; as I said, had a distinguished career as a public servant, as a Trooper in law enforcement. And, I befriended Paul early

on, actually, when he became Colonel. And, just a really, really good human being. And, as I said, kind of the epitome of a State Trooper. If you knew Paul, he was tall, he was strong. He really, he filled that uniform well, Colonel; he filled it well, as only an 0300 ground pounder could do it. And, quality, quality guy, and I know the Senate expresses its deep sympathy to the family. And, I must say, I think he's the second Colonel that's passed away in my lifetime; Colonel Reardon was the first, and Colonel Doyon is the second. Thank you, Mister President.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hawkins, Kurk, W. Smith, and Sedensky

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

SB 122, establishing a committee to study the laws relating to electronic prescriptions.

SB 195, naming the Manchester Airport Access Road for Raymond Wiczorek.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 55, adding members to the exotic aquatic weeds and species committee.

HB 70, relative to changes to town charters.

HB 132, adopting and implementing the United States flag code.

HB 155, relative to permits to conduct raffles.

HB 278, setting the natural mean high water mark of Ossipee Lake.

HB 474-FN, relative to freedom of choice on whether to join a labor union.

HB 580-FN-L, establishing a committee to study collective bargaining by public employees.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

INTRODUCTION OF HOUSE BILL

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HJR 4, prohibiting the implementation of certain rules of the board of medicine. (Health and Human Services Committee.)

April 26, 2011
2011-1570-EBA
03/01

Enrolled Bill Amendment to HB 35-FN

The Committee on Enrolled Bills to which was referred HB 35-FN

AN ACT authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 35-FN**

This enrolled bill amendment corrects certain references in the bill.

Enrolled Bill Amendment to HB 35-FN

Amend RSA 482:48, VII(d)-(e) as inserted by section 1 of the bill by replacing them with the following:

(d) Coon Brook Bog Dam in the town of Pittsburg, known as number 194.18.

(e) Round Pond Dam in the town of Pittsburg, known as number 194.27.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2011

2011-1571-EBA

06/10

Enrolled Bill Amendment to HB 86

The Committee on Enrolled Bills to which was referred HB 86

AN ACT relative to filling a vacancy among county officers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 86

This enrolled bill amendment makes a technical correction to amending language.

Enrolled Bill Amendment to HB 86

Amend section 1 of the bill by replacing line 1 with the following:

1 Vacancies; County Officers. Amend RSA 661:9, I to read as follows:

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 29, 2011

2011-1676-EBA

06/03

Enrolled Bill Amendment to HB 609-FN

The Committee on Enrolled Bills to which was referred HB 609-FN

AN ACT establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 609-FN

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 609-FN

Amend RSA 490-F:2 as inserted by section 1 of the bill by replacing line 5 with the following:

as justice or efficiency requires in the discretion of the administrative judge of the circuit court.

Amend RSA 490-F:8, II as inserted by section 1 of the bill by replacing line 2 with the following:

are eligible to serve as judicial referees on the effective date of this chapter shall maintain such

Amend section 2 of the bill by replacing line 1 with the following:

2 Judicial Branch Family Division Clerks; Fees. RSA 490-D:12, II and III are repealed and

Amend RSA 502-A:8, I as inserted by section 4 of the bill by replacing line 11 with the following:
VIII; and RSA 105:6 and RSA 105:7, shall be remitted monthly to the treasurer of the

Amend RSA 502-A:11 as inserted by section 5 of the bill by replacing line 1 with the following:

502-A:11 Criminal Cases; District Courts. Each district court shall have the powers of a justice

Amend RSA 502-A:11 as inserted by section 5 of the bill by replacing line 5 with the following:
both, including all violations of the provisions of RSA 266:16 and RSA 266:25 pertaining to vehicles

Amend RSA 599:1 as inserted by section 28 of the bill by replacing line 11 with the following:
bound over, it shall be the duty of the superior court to transmit to the justice of the district court,

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**April 25, 2011
2011-1560-EBA
08/01**

Enrolled Bill Amendment to HB 621 FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 621 FN-LOCAL AN ACT relative to the authority of the department of transportation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 621 FN-LOCAL

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 621 FN-LOCAL

Amend the bill by replacing line 1 of section 5 with the following:

5 Duties. The committee shall study whether certain rules adopted by the department of

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill HB 56, relative to proper observance of September 11, 2001.

HB 58, relative to inter-facility transfers of critical access hospital patients.

HB 71, authorizing establishment of pharmaceutical drug take-back programs.

HB 92, relative to expiration of licenses issued by the board of foresters.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility.

HB 142, relative to sales of artificial flowers and miniature flags.

HB 143, relative to the sale of stove polish.

HB 144, relative to energy efficiency and clean energy districts.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program.

HB 198, relative to the investment options for county funds.

HB 251, relative to absentee ballots.

HB 274, relative to voting procedures.

HB 277, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.

HB 331, relative to posting agency expenditures on the state transparency website.

HB 386, adding Granite state college to the university system of New Hampshire corporate charter and adding a student trustee from Granite state college to the university system board of trustees.

HB 444, relative to the commemoration of General John Stark Day.

HB 464, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision.

HB 549, relative to driver's license reexaminations.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.

HB 571, relative to lobster and crab licenses issued by the fish and game department.

SB 57, relative to regulation of title loan lenders.

SB 62, relative to persons participating in the return to work program.

SB 66, relative to nonresident tuition for motorcycle rider education.

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways.

SB 173, proclaiming January 24, 2012 as Granny D. Day.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 474, relative to freedom of choice on whether to join a labor union.

Sen. Bradley moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

May 11, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

Even though the parable of the Good Samaritan is a Christian story, it has achieved meaning for people of all faiths and of no faith. You know the story of the traveler who was attacked and beaten along the road. A priest and a Levite passed him by, offering no help, and then a Samaritan came by to sacrifice his time, his energy, and his money to save the man's life. By ignoring the man, the first two passersby did nothing to violate the man's rights; they were totally intact. They did nothing to spend money; they did nothing against the law or unconstitutional. Clearly, they did nothing. But yet, we find ourselves bid to not look at that example that would say that our moral and spiritual responsibilities simply belong back in the temples, back on sacred ground. And, we are bid to wear the Samaritan's shoes in the story. We are asked to seek out, as he did, the places where, out on the public roads and public streets, out in secular ground, we should take the responsibility to pay the cost for the sake of others. And, in doing so, we show the golden rule to all people: to believers and unbelievers alike, in all places. Let us pray:

Heavenly Father, take every aspect of our lives: our work, our family, our politics, and our personal lives, and unite them all together under Your gracious and loving and merciful will. Amen.

Sen. De Blois led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I wish to introduce the two Pages today. The first Page I'm going to introduce is Jessica Small. Jessica is 18 years old; she's a senior in Raymond High School. She lives in Raymond. Her favorite school subject is Jobs for American Graduates – JAG program, right? Her favorite book is anything by Nicholas Sparks. Extracurricular activities: career association officer. Welcome to the Senate.

The second Page today is Sabrina Baptiste. She is also 18 years old; she's also a senior in Raymond High School. Her favorite school subject is Jobs for American Graduates. Her favorite book is *Tuck Everlasting*. Extracurricular activities are career association officer and volleyball. Welcome to the State Senate.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. On the Senate floor we have Representative Jeanine Notter with us today. Jeanine is from Merrimack; she is in her first term as a House member. She was here about a month ago, if you recall, for the Gibson Family, when we dedicated a bridge in their son's name. She wants to come to the Senate fre-

quently because I think she's trying to get comfortable; has her eyes on seat number nine right here. And so, that's always a good thing. But, she's here for a bill that's very important to her later on our schedule, and so I asked her to be my guest here in the Senate. So, thank you, Jeanine; stand up please.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: I believe they're in the balcony...Yes, they are. I thought I'd check this time. I'm pleased to introduce Jennie Rowntree, Meg Ortega, and Leah Willingham, and their counselor is Rachel Green. They belong to Girls Rock; it's a legislative internship that is designed to immerse teens in the Democratic process, promote leadership and teambuilding skills, and to provide a forum to discuss ideas and issues that are important to New Hampshire residents. These interns have the opportunity to experience the parliamentary process and action and participate in committee discussions. The interns experience how this dynamic process shapes the direction of life for New Hampshire residents in the coming years. And, I am excited to have them with us today, and they will be following me around this afternoon. So, if you girls would stand? Welcome to the Senate.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

FINANCE REPORT

Sen. Morse announces the following bills will not come to Finance: HB 205-FN, HB 210-FN, HB 225-FN, HB 276-FN, HB 299-FN, HB 330-FN, HB 378-FN, HB 442-FN, HB 468-FN, HB 479-FN, HB 487-FN, HB 634-FN.

COMMITTEE REPORTS

COMMERCE

HB 276-FN, relative to wine manufacturers. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

Sen. De Blois moved to Recommit to Committee HB 276-FN. Adopted.

HB 291, relative to permissible fireworks. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

SENATOR PRESCOTT: Thank you, Mister President. I move House Bill 291 Ought to Pass. It defines permissible fireworks as consumer fireworks with certain limited exceptions and revises the membership and duties of the permissible fireworks review committee.

The Committee received testimony stating that in recent years the list of permissible fireworks has grown out of control at almost 3,000 items. The state fire marshal testified that this bill will make it easier for the State to regulate fireworks in New Hampshire.

Please join the unanimous Commerce Committee's vote of Ought to Pass. Thank you very much, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move that House Bill 317 Ought to Pass. This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection

devices in dwellings. House Bill 317 makes it clear that carbon monoxide detection devices are not required in dwellings that have no possibility of producing carbon monoxide.

Please join the unanimous vote in the Commerce Committee of Ought to Pass on House Bill 317. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

**Commerce
May 3, 2011
2011-1727s
05/10**

Amendment to HB 605

Amend the introductory paragraph of RSA 162-A:13-d, III as inserted by section 1 of the bill by replacing it with the following:

III. Upon approval by the authority's board of directors, the authority may apply funds maintained in the New Hampshire innovation business job growth fund to provide guarantees of the principal of investments in qualified venture capital funds and to invest directly in qualified venture capital funds that by contract agree to invest such principal in New Hampshire within 60 months of the receipt of the guarantees. The authority's board of directors shall approve such application of funds after making all of the following findings:

Amend the introductory paragraph of RSA 162-A:13-d, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Qualified venture capital funds are those funds that have by contract with the authority's board of directors agreed to invest, no later than 60 months after the execution of the guarantee or investment, the amount of the guaranteed or invested principal in businesses whose primary operations are located in New Hampshire and that, in opinion of the board:

SENATOR SANBORN: Thank you, Mister President. I move that House Bill 605 Ought to Pass with Amendment. House Bill 605 as amended by the Committee authorizes the business finance authority to establish a New Hampshire innovation business job growth program, the purpose of which shall be to provide investment in venture capital funds that evidence a commitment to providing venture capital to New Hampshire businesses. The committee amendment allows for direct investment in qualified venture capital funds that, by contract, agree to invest such principle in New Hampshire within 60 months.

As was stated during the public hearing, this legislation leverages private financing, it is targeted appropriately, it is efficient and easy to use, and it fills a current gap in available financing. As New Hampshire is posting one of the lowest levels of venture capital investments in America, it is our hope that this legislation will make New Hampshire a more attractive place for investors to come to and operate in.

Please join the Commerce Committee and vote Ought to Pass with Amendment on House Bill 605. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Sen. Sanborn asserts Rule 2-15 on HB 605.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Sanborn asserts Rule 2-15 on HB 605.

HB 617, repealing the prohibitions on Sunday business activities. Ought to Pass with Amendment, Vote 3-2. Senator De Blois for the committee.

Commerce

May 3, 2011

2011-1723s

05/10

Amendment to HB 617

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the consequences of repealing the prohibition on Sunday business activities.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the consequences of repealing the prohibition on Sunday business activities.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the consequences of repealing RSA 332-D, relative to prohibitions on Sunday business activities. The committee shall solicit testimony from any individual or group with information relevant to the committee's study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

6 Effective Date. This act shall take effect upon its passage.

2011-1723s

AMENDED ANALYSIS

This bill establishes a committee to study the consequences of repealing the prohibition on Sunday business activities.

Sen. De Blois moved to Lay on the Table HB 617. Adopted.

EDUCATION

HB 290, relative to staffing exceptions for small schools. Inexpedient to Legislate, Vote 4-1. Senator Carson for the committee.

SENATOR CARSON: Good morning, Mister President. I move House Bill 290 Inexpedient to Legislate. This legislation establishes a definition of a small school and implements a procedure for such schools to petition

the Department of Education for approval of an alternative staffing plan. This bill would put into statute a procedure which already exists and could limit the flexibility of school districts.

Therefore, the Education Committee recommends that House Bill 290 be Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I rise in support of House Bill 290. I think it was something that allowed for small schools to have a different staffing that fits within their needs and yet still provides a good education system to the children. And, I urge the sponsors to try to address any concerns in this legislation to bring it forward in future years if this fails. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sens. Forsythe, Groen, and Sanborn, are in opposition to the motion of Inexpedient to Legislate on HB 290.

ENERGY AND NATURAL RESOURCES

HB 205-FN, relative to notice to owners of upstream dams. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

Energy and Natural Resources

May 5, 2011

2011-1770s

03/05

Amendment to HB 205-FN

Amend the bill by replacing section 2 with the following:

2 Board's Procedure on Plats; Notice to Upstream Dam Owners. Amend RSA 676:4, I(d) to read as follows:

(d)(1) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, [~~upstream dam owners, the department of environmental services dam bureau,~~] and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. [~~For those proposals near rivers and streams and downstream of a dam, the planning board shall also notify the owners of the upstream dam and the department of environmental services dam bureau by certified mail.~~] Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid

in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

(2) For those proposals in which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river, or stream, the planning board shall also notify the department of environmental services by first class mail at the same time that notice is provided to abutters, cost to be paid in advance by the applicant consistent with subparagraph (d)(1). The sole purpose of notification to the department shall be to provide information to the department for dam hazard classification. This requirement shall not confer upon the department the status of an abutter. Failure by the municipality to notify the department shall not be considered a defect of notice.

SENATOR GALLUS: Thank you, Mister President. I move House Bill 205-FN Ought to Pass with Amendment. House Bill 205 eliminates requirements that planning board applicants identify and planning boards notify upstream dam owners. The amendment was worked on between the planners association and the Department of Environmental Services to further simplify the notification process by better defining when, how, and who needs to be notified.

Please join the Energy and Natural Resources Committee recommendation of Ought to Pass with Amendment on House Bill 205-FN. And, I thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted.

Recess. Out of recess.

Bill ordered to Third Reading.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. Ought to Pass with Amendment, Vote 4-1. Senator Merrill for the committee.

Energy and Natural Resources

May 5, 2011

2011-1771s

03/04

Amendment to HB 468-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Payment for Freshwater and Tidal Wetlands Losses. Amend RSA 482-A:30, III to read as follows:

III. An administrative assessment which equals [20] **10** percent of the sum of paragraphs I and II.

2 Payment for Freshwater and Tidal Wetlands Losses. Amend RSA 482-A:30, III to read as follows:

III. An administrative assessment which equals [10] **20** percent of the sum of paragraphs I and II.

3 Payment for Stream or Shoreline Losses. Amend RSA 482-A:30-a, II to read as follows:

II. An administrative assessment equal to [20] **10** percent of the amount in paragraph I.

4 Payment for Stream or Shoreline Losses. Amend RSA 482-A:30-a, II to read as follows:

II. An administrative assessment equal to ~~[10]~~ **20** percent of the amount in paragraph I.

5 Rulemaking. Amend RSA 482-A:31, II to read as follows:

II. The method of calculating the amount of in lieu payments under RSA 482-A:30 and RSA 482-A:30-a which shall approximate the total cost of wetlands construction, stream and river construction, or such other mitigation actions as would have been required by the department and incurred by the applicant in the absence of making such payments. An administrative assessment of ~~[20]~~ **10** percent of the total cost shall be added as part of the calculation method.

6 Rulemaking. Amend RSA 482-A:31, II to read as follows:

II. The method of calculating the amount of in lieu payments under RSA 482-A:30 and RSA 482-A:30-a which shall approximate the total cost of wetlands construction, stream and river construction, or such other mitigation actions as would have been required by the department and incurred by the applicant in the absence of making such payments. An administrative assessment of ~~[10]~~ **20** percent of the total cost shall be added as part of the calculation method.

7 Repeal. 2010, 16:3, 16:5, and 16:7, relative to administrative assessments, are repealed.

8 Effective Date.

I. Sections 2, 4, and 6 of this act shall take effect July 1, 2015.

II. The remainder of this act shall take effect July 1, 2011.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 468 Ought to Pass with Amendment. House Bill 468 amends RSA 482-A:30 regarding the aquatic resource mitigation program, or ARM, in which developers can pay money into the ARM fund to be used for mitigation projects outside the area impacted by the developer's project.

The bill as amended reduces the administrative assessment paid by developers from 20 percent of construction costs plus the value of impacted land to 10 percent, but returns the administrative assessment to 20 percent after July 1, 2015 in order to give the Department of Environmental Services certainty in anticipation of an improving economy.

Please join the Energy and Natural Resources Committee recommendation of Ought to Pass with Amendment on House Bill 468. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. Inexpedient to Legislate, Vote 3-2. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 519 be found Inexpedient to Legislate. House Bill 519 would remove New Hampshire's participation in the regional greenhouse gas initiative, which is the first market-based carbon reduction effort in the nation.

RGGI has a lot to do with climate change and CO2, but I want to talk about the most important thing to me, and that's jobs. If you take a look at my website, which I haven't really updated from the campaign, the number one issue I ran on is jobs. So, jobs are important to me. And so, when I look out there, I don't see the State creating it, I don't see government creating it; I see small businesses creating it, and in my

District, retail merchants. If you go down the Tewksbury line all the way up to Main Street, what have you got? You've got retail merchants in the Pheasant Lane Mall all the way up the strip. So, the Retail Merchants Association came to me and showed me a list of all their members, and it's the "who's who" of who's in Nashua. What do they want? They want RGGI. Why do they want it? It's good for business. It's good for energy efficiency, it's good for business, and that means it's good for jobs.

Now, if that wasn't enough for me, I opened up the paper one day to find a full-page ad of over 140 small businesses who have asked this Senate to keep RGGI. That was the "wake up and smell the coffee" moment for me, because I've only been up here since December, but I had paid attention to politics before here. But, I don't recall that many businesses taking out a full-page ad in the newspaper to ask the Senate to do something for them. And, they did. So, like I say, that was the "Aha!" moment for me.

Now, if jobs wasn't enough – because, retail merchants in my District: they're the ones creating the jobs. We've got BAE, but basically I've got a bunch of stores that sell things to people that come across from Massachusetts to buy things in tax-free New Hampshire. Now, if jobs wasn't enough, the economics of this whole thing should sell everyone on it. For example, if we repeal RGGI, it's a lose-lose situation. I mean, I'm a Marine, but I can do the math on this. If we stay in RGGI, we're going to get \$12 million in auction proceeds. If we get out of RGGI, we're going to have to pay \$5.6 million – \$6 million. It's just simple math; 12 minus 6 equal \$6 million. Now, I could see if that's all we're going to get – and this is all uncontroverted fact. If that's all, that'd be fine. But, as I understand it – uncontroverted fact – each dollar of RGGI funds invested in energy efficiency results in \$3.42 in direct savings in energy efficiency. So, we're tripling that \$6 million.

All right, once again, uncontroverted fact: UNH study – I've got it right here – everybody on the Committee got it, and hopefully they didn't spend a lot of money making the fancy pictures and all, but the details in here and the facts in here are real good. And, the good is, we will save more than \$60 million due to energy efficiency programs due to RGGI; \$60 million, especially when the State is facing the budget shortfalls that it is. Just in the first two years of this program – it's only been around since 2008 – \$31 million in RGGI auction proceeds to the State to fund energy efficiency projects.

Back to jobs – once again, my number one priority – the reason why I came up here and what I told all the constituents, all the voters, my number one priority was. Ten-state pact – RGGI's part of that ten-state pact. So, we're going to bail out. What does that show all those clean energy efficient manufacturers out there and companies out there? Come to New Hampshire? I don't think so. They're going to create jobs if they come. Repealing RGGI's going to eliminate that.

All right, enough about jobs, enough about economy, even though I think that's the most important party. Let's face it, RGGI is about climate change. Okay, so I've got a double major in chemistry and biology, I've got an interest in climate change, I'm also a deer hunter, active outdoorsman, as you are as well, Senator Bradley, I know. But, I've seen climate change; you don't have to tell me. I don't care what the science... You can say whatever you want; there's climate change. I believe it scientifically; I believe it practically. And, better yet, Senator Barnes, Senator Carson, Senator De Blois, you'll be interested to learn this, but where I learned

the most about climate change was the Army War College, where I got sent down for the Marine Corps to get a Master's in strategy, because they're big on climate change and learning all about it. And, here's what DOD – the Department of Defense – says about climate change in their quadrennial defense review:

"Climate change will shape the operating environment roles and missions. Although they produce distinct types of challenges, climate change, energy security, and economic stability are inextricably linked. Climate change may act as an accelerant of instability or conflict." So, look, I'm a Marine: I pay attention to my boss; that's the Department of Defense.

C02 emissions: I don't want to get into the science on that; I know we can go either way. Once again, hey, look, I'm a patent attorney; I deal with science and engineering every day; I'm not going to argue the C02 effects with you. If you're not with me, you're not with me. The American Chemical Society says C02 is a greenhouse gas; it doesn't help, it accelerates climate change. That's enough for me.

Okay, look. Criticisms of RGGI: China and India. People say: "China and India; for every year we work in RGGI, China can ruin that in a day." I say, So what? Since when does China and India dictate what we do? Hey, once again, the Marine in me, you walk the point, you're out in front. We're the lead; we should be the lead on this. We don't listen to China and India. We're the best country in the world and we'll decide what's best, and we're certainly not going to go by what they do to dictate our policy, here.

The other argument I hear is "big government". Well, we just voted 24-0 – what was it, a week ago? Two weeks ago? – to keep the bullying law in effect. Bullying: important. More important than energy? So, big government... A 24-0 vote. We let big government get involved in the schoolyard situation. And, now the argument is: "Don't let government get into helping our environment."

All right, the next thing I hear: "It's a tax." Well, I looked all through RGGI; don't see anything about a tax. You can call it a tax; we called something here a "tuition" not too long ago. All right, you can call it tax, whatever you want to call it. But, here's the deal: Even if you want to call it a tax, it's \$0.36 a month on the average taxpayer. So, I understand – I've got constituents in my District, and there's some really downtrodden poor people in my District in urban Nashua. So, maybe \$0.30 is a lot to them, and I'm sure it is. But, for all those folks going through Dunkin' Donuts: Don't buy a coffee for four months and help the environment. That's what I'm asking you to do.

The other argument I get is: "Let's do something else. Let's not do RGGI; let's do this, let's provide an incentive." Oh, yeah? Well, I don't see something up here. We've got another month to go, maybe, for the session. I haven't seen anything else. This is it; RGGI's it.

All right, so I'm going to conclude. RGGI's not perfect. I understand there's going to be an amendment; I actually like the amendment. Hopefully that'll work. But, a RGGI is better than no RGGI, and I'm here to tell you that RGGI's the best way to go. So, I'm going to ask you to join the Energy and Natural Resources Committee's recommendation, the Department of Environmental Services' recommendation, the Department of Resources and Economic Development's recommendation, the Retail Merchants Association, and over 140 small businesses, including some of our major employers: EMS, Timberland, Smuttynose Brewery, to vote ITL. Thank you.

(The Chair recognized Sen. Barnes for a question of Sen. Lambert.)

SENATOR BARNES: Senator Lambert, I've been up here 20-some years. And, would you believe that you have the record for the longest blurb in the history of this Senate over the last 20 years?

SENATOR LAMBERT: Well, Senator Barnes, thank you, because, as you know, I normally don't say much.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I do appreciate the remarks of my esteemed colleague, who is also my roommate downstairs. And, he doesn't say much, and unfortunately, when he did say a lot, he was wrong. So, I guess what I'm going to do is I'm going to try to controvert some of his incontrovertible facts.

The fact of the matter is that the Regional Greenhouse Gas Initiative, which we will call "RGGI" going forward, has collected about \$1 billion from ratepayers. And, that's a lot of money over those ten states that are throughout the Mid-Atlantic and the Northeast. In fact, New Hampshire's share of that is close to \$30 million. And, I would argue that when you take \$30 million out of the economy and redistribute it that it is not good for business and jobs; it may be good for business and jobs that are on the receiving end of that redistribution, but there's plenty of companies who aren't on the receiving end.

The State of Pennsylvania understood the hazards of RGGI when they decided not to get involved in it; they had their opportunity and didn't. And, now that we're discussing possibly exiting it, we find that other states around us such as New Jersey, Delaware, and Maine, are starting to think the same thought. The fact of the matter is that they see this as a wealth redistribution type of situation and they're second-guessing their decisions.

I believe that when government uses tax dollars to stimulate job growth, it's basically just people who are producing wealth in an honest fashion: going out, doing hard work; they're picking winners and losers. I have tried, as a member of the Commerce Committee, to avoid picking winners and losers at all costs. We have bill after bill in Commerce where businesses will face off against each other, ask us to make a decision, and in the Commerce Committee, we've tried to avoid that like the plague. I see RGGI as going down the same path. I don't like trying to pick winners and losers.

I also have grave concerns that were brought to me by one of my Merimack Reps, Dick Barry, who's on the Finance Committee in the House. He was an original sponsor and creator of RGGI, and now he is leading the charge to repeal it. And, a quote he said to me has stuck in my ears for the months that we have talked about this when he said: "If I had known this thing was going to go off the rails the way it has, I never would have gotten involved in it." And, what he means by that is basically we have a politically-motivated board making politically-motivated decisions about who gets what, and that's just a bad setup.

So, Mister President, I'll be voting to go against the ITL recommendation. I want to kill this thing; I want to drive a stake through it. I feel strongly about it, and I'd urge my Senate colleagues to feel the same way. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Yes, thank you, Mister President. Standing up there, looking very attentive, future Senators and State Representatives and maybe a Governor, these young folks are from the great Town of Danville. And, it's a fourth grade class, and there's another group coming in behind them, I understand. So, there are two groups coming in. So, we want to welcome you young folks. Did you hear that discussion? Wasn't that interesting? You wouldn't have heard that in school. And, you were here when a record was made, so that's pretty fantastic. So, welcome, Danville.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. And, first, I will say that the Army War College must do a very good job, because I only attended for a one-week seminar and I've come to the same conclusion as Senator Lambert.

I rise in support of the ITL motion on SB 519. And, I do so because I believe that RGGI has been helping us here in New Hampshire to forward the goals of reducing CO2 emissions and encouraging energy efficiency, while at the same time lowering energy costs for residents, businesses, and municipalities.

Through RGGI, we're working toward a goal of 80 percent reduction in greenhouse gas emissions by the year 2050, a goal set by the state climate task force. Now, some doubt climate change, or that CO2 emissions are a bad thing that we need to worry about. And, I won't review the data here, either. But, I will say that there is, in fact, a long list of scientific organizations, including the American Meteorological Society, the Chemical Society, the National Research Council, which have recognized the current and potential effects of climate change. And, Senator Lambert did mention the Chemical Society's stance, and I would quote from their recent policy statement:

"Comprehensive scientific assessments of our current and potential future climates clearly indicate that climate change is real, largely attributable to emissions from human activities, and potentially a very serious problem."

And, the Department of Defense and other organizations have voiced concern about the relationship between climate change, energy dependence, and national security. The CIA has recently started its own center on climate change and national security.

RGGI also contributes to the goal of increased energy efficiency use and saves money for energy users. The megawatt – or, a saved megawatt – is the cheapest form of energy out there, and it has zero emissions. Funding from RGGI auction proceeds are helping New Hampshire get on a path of greater reliance on energy efficiency and a sustainable energy policy.

Some have argued that if energy efficiency is such a good investment then everyone should be doing it and not need government assistance in doing that. But, not everybody has the means to make even the small up-front investments that will lead to savings in energy costs.

Recently, this Senate reconfirmed its commitment to workforce housing. And, I think it's important to point out that two recent RGGI grants are ones that will lower energy costs for those most in need of those reductions.

The New Hampshire Finance Authority has a program in which they do detailed energy analysis and upgrades in low-income housing units, and the New Hampshire Community Loan Fund Program is helping manu-

factured home owners with important energy efficiency improvements, including replacements of energy-leaking roofs. This improvement is expected to save \$614 a year per home.

We all know that municipalities and school districts are facing more difficulty than ever in meeting their budget needs, and through the Municipal Energy Assistance, the New Hampshire Energy Smart Schools, and other programs, RGGI is helping our towns reduce energy use and see savings that can be passed on to taxpayers.

The Town of Temple has energy updates that are expected to result in a heating and energy use reduction of \$75 to \$80,000. The City of Rochester is close to completing an energy upgrade at its wastewater treatment plant that is likely to yield a 30 percent energy use reduction.

And, finally, RGGI is an important tool in supporting the small and large businesses that are vital to our economy here in New Hampshire. The New Hampshire Business Authority has a RGGI-funded program: the business energy conservation revolving fund. One example of a company that I think we've all heard a lot about that has taken advantage of that revolving fund is Foss Manufacturing in Hampton, which has made energy efficiency improvements that saved \$65,000 over two months, and Foss is already paying back into the fund so that other businesses can see the same kinds of improvements and cost reductions. And, the program, run by the New Hampshire Retail Merchants, is giving assistance to small businesses with energy efficiency improvements that are tough for them to fit into what are their already tight budgets.

Participation in RGGI costs the average residential customer \$0.35 per month. The program is estimated to reduce CO₂ emissions by 13,200 metric tons annually, and energy costs by \$4.2 million annually over the two-year initial period of the program. Put another way, every RGGI dollar spent results in over \$3 in energy savings.

RGGI is just getting going in New Hampshire, and the advantages are already clear. It doesn't make sense to stop this program in its tracks and to turn our backs on the environmental rewards it offers and the energy and money it saves for our citizens, municipalities, and businesses. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I rise in – it gets very confusing on this bill, doesn't it? I rise in opposition of the ITL motion and in support of a full repeal with no amendments. While I appreciate all the work that's gone into an amendment that would improve on RGGI, I believe if we improve on it, we're in danger of never repealing it. We need to repeal it, and we need to repeal it now.

This is hardly a market-based program; and I'll try to keep my comments brief in order to curry a little bit of favor, and also, because the arguments against RGGI are very simple and very principled, whereas the arguments for RGGI require a lot of confusing math that is misleading. It's not a market-based approach; anything dictated by the government is hardly a market-based approach. The argument's been made that it creates jobs. However, what you don't see is the hidden man: that \$30 million of taxes that Senator White referred to. Where did that come from? What jobs were lost because of that? What energy improvements were made by someone because of that? You do see the obvious costs of the jobs benefit to the people you're giving money to, but you're taking

from everyone and giving to a small group of people as opposed to the other way around, and the Constitution has something to say about that. Even if you do believe, as many in here seem to believe, in greenhouse gas being a problem with global warming, even the strongest opponents for this program admit that it will hardly make a dent in the world's greenhouse gas emissions.

In short, I believe New Hampshire has always led the way towards personal freedom and towards free markets, and we should lead the Northeast and get out of RGGI and get out now. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the Inexpedient.

Let me just say this, if I'm going to battle, Senator Lambert, you've got point with my team, okay? I can understand now why general officers get that kind of treatment.

I want to make three points, because I think the Colonel made them very efficiently and very effectively. And, they are these: First of all: jobs. We all came here to find jobs for people who are unemployed. Jobs are a key element. We've got to stick by that. A job gives a person self worth, it provides a positive effect on the economy, makes people feel good, and that's what we're here to do: make our constituents feel better by doing something positive for them.

The second thing: energy efficiency. 80 percent of our people heat with oil in the Northeast. In many instances, our homes are the most inefficiently prepared – the most inefficiently. We don't take good care of the kind of work that we should do in buttoning up those homes to make them efficient. This helps us do this.

And, the third thing is climate change. Climate change is here; we see it. We see it in this country. We see evidence of it on a daily basis. We're witnessing tragedies in the Midwest as we sit here today. Thousands of people are losing their homes; thousands of acres of land are being overrun by the Mississippi River. Climate change: very, very important to all of us. For these reasons, and for the magnificent articulation by the Colonel, I support the premise. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I first want to say how much respect I have for my colleague; we share Nashua. I do differ on a couple of points. One point that I think has been made over – and, I stand against the ITL; I want to make that clear. I've heard this from many people: \$0.35 a month. What is not being said is the cost to business. It's millions of dollars. And, businesses are the ones that create jobs. And, I have heard from many manufacturers and large businesses in this state that they hate RGGI because it is taking jobs away; it is taking money out of their budgets that they cannot expand. And, I agree with Senator Forsythe; I am a market-driven person. And, penalizing versus incentive is not the American way. We should incent for this behavior, not penalize. And, if you look at what the federal government has done with home insulation, that was an incentive program; it was a raving success. People weren't penalized. And, they actually – that was an oversubscribed program. We can do that.

One of the biggest issues that manufacturers and big businesses have in staying in this state or moving to this state is high energy costs; it's

one of the top two issues. And, RGGI adds a buffer above that; it makes energy even more expensive. So, I am for jobs, but RGGI is driving jobs out of this state. And so, we – I think we need to look at this carefully. And, manufacturers – this is my last point – manufacturers are the most important component in the economy; they bring back the most money into this state, and they are the ones that are hurting the most by RGGI. Thank you, Mister President.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise against the ITL for RGGI. I find it a very rare day when I see two of my favorite Senators from Nashua and see that they are split on it, and unfortunately for the Colonel, I'm going to have to side against him this time.

At its core, RGGI is a failed program. And, it's not just because four of the ten states are trying to get out of it because they recognize the fact that the program just isn't working. And, if I can back up, I know, having spoken to virtually every Senator in this room, that we're all exceedingly concerned with our environment. We all are conservationists at heart. That's why my good friend, Senator Bradley, like I, hikes, and Senator Lambert hunts. We hunt, we hike, we fish, we snowmobile. We live in this state because we enjoy everything that there is about it. It's very important to every single Senator, and I'm proud to stand with all of you in wanting to protect our state and make it better in the future than it is today.

Unfortunately, RGGI isn't protecting us. At its core, it's assuming that every single person that lives in this state is guilty, and it penalizes them financially and redistributes the money politically. If we're ever going to truly be good conservationists to the State of New Hampshire and to our country and to our world, we need to begin to reward people for doing the right job, as Senator Luther also expressed. Our ability to conserve and protect our state will only come if everyone participates, and participation, just like leading the horse to water, comes from rewarding people for doing the right thing, not discouraging participation by charging and redistributing.

You know, when RGGI started and was passed in 2008, all we heard about was how it was going to save our environment, how we needed to take people's money and redistribute it. Never heard about jobs – that was never part of the discussion. I'm so old I can barely remember what I had for lunch yesterday, but I think if I go back far enough, I think I was a member of the Retail Merchants Association; and, it's a fine organization that was created and worked to help further the cause of retailers. But, today, the Retail Merchants Association receives millions of dollars as a direct benefit to RGGI. I'm not sure their position is unbiased today.

I urge all of you to, like me, consider saying no on the ITL, repealing RGGI, and let's find a way that we can protect our environment by rewarding those who do good versus penalizing those who do bad. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise to support the ITL motion for the regional greenhouse gas initiative repeal. Our good friend from Senate District 9 pointed out that this bill might create winners and losers. And, I say: "Yes, it does, in fact." It creates winners in New Hampshire ratepayers when we know that if we stay in, we gain \$12 million; if we get out, it costs us \$5.6 million. It creates winners for small businesses when we

hear from retail merchants and other retail and small business leaders across the state who have benefitted from this energy efficiency program, that three-year contract that we have with our retail merchants: those are winners in the small business world. It creates winners for New Hampshire homeowners, homeowners who, particularly low-income processes, where we oftentimes spend money for low-interest energy efficiency programs. We can save that money, and it saves homeowners across the state as we put energy-efficient windows into their homes and shore up leaky homes. We create winners for New Hampshire's air-breathers – all of us – as we reduce CO2 emissions. And, we create winners for the future generations of New Hampshire who, through our actions, through our actions as a regional team with other states, we can protect future generations and their ability to breathe clean air and live in the environment that we all so appreciate here in New Hampshire. Thank you.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Houde, seconded by Sen. Forsythe.

The following Senators voted Yes: Houde, Odell, Kelly, Lambert, Larsen, D'Allesandro, Merrill, Stiles, Bragdon.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott.

Yeas: 9 - Nays: 15

Failed.

Sen. Bradley moved Ought to Pass on HB 519-FN.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 10, 2011

2011-1823s

09/01

Floor Amendment to HB 519-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Amend the bill by replacing all after the enacting clause with the following:

1 Energy Consumption Reduction Goal; Reports; Reference Change. Amend RSA 21-I:14-c, III to read as follows:

III. Beginning in calendar year 2012, the commissioner shall submit an annual report to be made available to the public on or before December 1 compiling the annual reports submitted under paragraph II, with findings on the departments' annual progress in complying with the energy consumption reduction goal established in paragraph I and problems which may prevent the departments from achieving this goal, to the [energy efficiency and sustainable energy board established under RSA 125-O:5-a, the] governor, the senate president, the speaker of the house of representatives, the chair of the senate energy[, environment and economic development] *and natural resources* committee and the chair of the house science, technology and energy committee.

2 Rulemaking; Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:8, II to read as follows:

II. The public utilities commission shall adopt rules, under RSA 541-A, to administer the ~~[greenhouse gas emissions reduction]~~ **energy efficiency fund and auction proceeds received** pursuant to RSA 125-O:23.

3 Carbon Dioxide Emissions Budget Trading Program; Auction Proceeds. Amend RSA 125-O:21, III to read as follows:

III. The department shall make available for sale at one or more auctions all of the budget allowances for a given year, except for those granted or reserved under RSA 125-O:22, VI, 125-O:24, and 125-O:25. The department may also make available for sale at one or more auctions a portion of future year budget allowances. Such auctions may be conducted in coordination with other states. Revenues from the sale of allowances shall be deposited in the ~~[greenhouse gas emissions reduction]~~ **energy efficiency** fund established under RSA 125-O:23.

4 Greenhouse Gas Emissions Reduction Fund Replaced With Energy Efficiency Fund and Use of Auction Proceeds. RSA 125-O:23 is repealed and reenacted to read as follows:

125-O:23 Energy Efficiency Fund and Use of Auction Proceeds.

I. There is hereby established an energy efficiency fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein, as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All programs supported by these funds shall be subject to audit by the commission as deemed necessary. A portion of the fund moneys shall be used to pay for commission and department costs to administer this subdivision, including contributions for the state's share of the costs of the RGGI regional organization. The commission shall transfer from the fund to the department such costs as may be budgeted and expended, or otherwise approved by the fiscal committee of the general court and the governor and council, for the department's cost of administering this subdivision.

II. All amounts in excess of the threshold price of \$1 for any allowance sale shall be rebated to all default service electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

III. All remaining proceeds received by the state from the sale of allowances shall be allocated by the commission as an additional source of funding to electric distribution companies for core energy efficiency programs that are funded by SBC funds.

5 Review of New Hampshire RGGI Program. Amend RSA 125-O:27 to read as follows:

125-O:27 Review of the New Hampshire RGGI Program. At the time of the 2012 comprehensive review by the signatory states as required in the MOU, the commission and the department shall concurrently review New Hampshire specific elements of the RGGI program, in particular RSA 125-O:23[~~IV~~] and RSA 125-O:25, and include the results of such review in the agencies' annual report under RSA 125-O:21, VI.

6 Legislative Oversight Committee on Electric Utility Restructuring; Report. Amend 374-F:5, III to read as follows:

III. The committee shall provide an *interim report on or before April 1, and an annual report on or before November 1* to the governor, the speaker of the house, the senate president, the state library, and the public utilities commission on the status of electric utility restructuring, **including the status of core energy efficiency programs monitored under RSA 374-F:6.**

7 New Paragraph; Legislative Oversight Committee on Electric Utility Restructuring; Duties. Amend 374-F:6 by inserting after paragraph IV the following new paragraph:

V. Monitoring core energy efficiency programs funded by proceeds from sale of allowances under the regional greenhouse gas initiative program pursuant to RSA 125-O:23, III.

8 Funding of Contracts. All contracts executed before December 31, 2010 and funded through the greenhouse gas emissions reduction fund shall remain funded through such fund or the energy efficiency fund according to the terms of those contracts. Any funds remaining in the greenhouse gas emissions reduction fund as of January 1, 2012 shall be transferred to the energy efficiency fund.

9 Fund Name Change. Amend RSA 6:12, I(b)(272) to read as follows:
(272) Moneys deposited in the ~~[greenhouse gas emissions reduction]~~ **energy efficiency** fund established in RSA 125-O:23.

10 Repeal. The following are repealed:

I. RSA 125-O:5-a, I(d), relative to recommendations made to the public utilities commission by the energy efficiency and sustainable energy board.

II. RSA 125-O:19, relative to statement of purpose and findings.

III. RSA 125-O:21, VI(g), relative to a report on the allocation and spending of the greenhouse gas emissions reduction fund.

11 Contingent Repeal. The following are repealed:

I. RSA 125-O:3, III(d), relative to carbon dioxide cap.

II. RSA 125-O:20 through 125-O:28, relative to the regional greenhouse gas initiative.

12 Powers and Duties of Commissioner; Reference Deletion Related to Contingency. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III ~~[and allowance requirements of RSA 125-O:21 and RSA 125-O:22]~~, and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

13 Rulemaking Authority; Changes Related to Contingent Repeal. Amend RSA 125-O:8 to read as follows:

125-O:8 Rulemaking Authority.

[E.] The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

[(a)] **I.** The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

[(b)] **II.** The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

[(c)] **III.** Emissions and allowance monitoring, tracking, record-keeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

[(d)] ~~The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations.~~

[(e)] ~~Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances.~~

[(f)] ~~Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers.~~

~~(g) The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22.~~

~~II. The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23.]~~

14 Compliance Dates; Reference Deletions Related to Contingent Repeal. Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, ~~and the subdivision for CO2 emissions, RSA 125-O:19 through RSA 125-O:28,~~ by December 31, 2006.

15 Non-Severability; Reference Deletions Related to Contingent Repeal. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy ~~[or RSA 125-O:1 through RSA 125-O:18]~~ of this chapter, and to this end, the provisions of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter are not severable.

16 Compliance. The repeal of the regional greenhouse gas initiative program under section 11 of this act shall not affect each affected CO2 source's obligation to satisfy the program's requirements for the compliance period ending December 31 of the prior year, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

17 Contingency. If a New England state which has at least 10 percent of the total load of the 10 states participating in the regional greenhouse gas initiative ends its participation in the initiative sections 11-15 of this act shall take effect upon the date that the commissioner of the department of environmental services certifies to the secretary of state and the director of the office of legislative services that such state has terminated its participation in the initiative.

18 Effective Date.

I. Sections 1-9 and 16-17 of this act shall take effect January 1, 2012.

II. The remainder of this act shall take effect as provided in section 17 of this act.

2011-1823s

AMENDED ANALYSIS

This bill replaces the greenhouse gas emission reduction fund with the energy efficiency fund, lowers the rebate threshold for auction proceeds to \$1, and allocates the remaining proceeds received by the state from the sale of allowances to core energy efficiency programs funds by system benefits charges. The bill also requires the legislative oversight committee on electric utility restructuring to monitor and report on certain core energy efficiency programs.

The bill contains a contingent repeal of New Hampshire's regional greenhouse gas initiative cap and trade program if a New England state which has at least 10 percent of the total load of the 10 states participating in the initiative withdraw from participation in the initiative.

SENATOR BRADLEY: Good morning, everyone. How are we doing this morning? Good, I like that. I like that, because what we have this morning, my friends, at 15 to 9, is the definition of a conundrum. There

are 15 of us who would repeal what I consider the ill-fated RGGI program. But, we don't have the votes; it's that simple. So, I don't want to wade into the whole issue of climate change, and I certainly don't want to get on the wrong side of Senator Lambert's gorgeous boots. But, I do want to talk about something that I think has united the 24 of us, quite frankly, in a bipartisan basis, all year, and that is trying to achieve good government.

We debated my bill last year on managed Medicaid. It failed. But, guess what? We came back; we worked together. The Governor called for managed Medicaid so that we could deliver quality services while saving taxpayer dollars. We all came together. That's good government; that's what we should be doing. I think about the 20th century philosopher Mick Jagger when I think about this: You can't always get what you want. But, what we need today is good government. And, that's what I hope this floor amendment does.

Number one: It gets back to some of the things that Senator Barnes, Senator Larsen, myself, Senator D'Allesandro, Senator Merrill, those of us who have been around here for a long time – even though I took a vacation – worked for for a lot of years: lower cost electricity. This amendment says to New Hampshire: The cost of electricity matters. We cap it and we rebate to customers – every customer in the State of New Hampshire. One of the flaws with the outright repeal bill is if you're a Unital customer or a Co-op customer or a Granite State Electric customer: no rebates; you pay and you get nothing. This amendment actually solves that problem.

The second thing that it does – and, this is what the good government's all about – it actually dedicates hard-earned money to programs that work. We've had a lot of discussion this morning about programs. I would urge everybody to look at this report; it's actually pretty simple. There is \$17 million that was dedicated in the first round of RGGI grants to different programs; \$7 million of that went to the energy efficiency programs that have been run by the Utilities for ten years without controversy – something that was created in the restructuring of the electric industry. That \$7 million – I think it was actually \$7.6 million – represents 43 percent of the funding of that first round of RGGI grants. It created 85 percent of the energy efficiency programs. Why? Because it goes to programs that work.

So, what does that mean? Well, the other \$10 million went to programs that only created 15 percent of the energy efficiency savings, at a time that we're having trouble struggling to fund the DD waitlist or mental health or...The list goes on and on and on. At least let's recognize, as this amendment does, that we have got to fund programs that work. That's what this does.

Now, we've heard a lot of discussions this morning about politically motivated grants coming out of RGGI. I believe that's the case. That's why I would vote to repeal it. So, for my friends who want to make a politically-driven vote now and not vote when we are in the definition of a conundrum, don't do the same thing the RGGI authors did in making politically driven grants. Do the right thing. You can't always get what you want; this is what we need. Thank you.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President and colleagues. I rise in support of the amendment. I do support the repeal of RGGI; I think it was a flawed piece of legislation. Unless we do that on a national and

worldwide basis, I don't think we want to isolate ourselves as a small state. But, that said, I'm pragmatic enough to realize that, as Senator Bradley said, we do not have the votes to take this to fruition, and I would rather gain an improvement than lose the entire battle. So, I will support this amendment in the hopes of making a bad piece of legislation better.

And, I will also say, with a sense of humor – and, I stress humor – now that I've found out that my drinking coffee contributes to the problem, I would be willing to get all of those who support the repeal of RGGI to drink 50 percent coffee if I can get those who support RGGI to have a 50 percent reduction in the respiratory rate, because I think if they breathe half the time, we would have a much higher decrease in our carbon dioxide emissions.

So, I will be happy to offer that, and if we can get that rate of respiration reduced, I will be happy to reduce my coffee consumption.

(The Chair recognized Sen. Gallus.)

SENATOR GALLUS: Thank you, Mister President. I happen to rise in opposition to the floor amendment. I'm probably the only one here on the Senate floor that actually still believes in the Tooth Fairy. But, I watched RGGI this morning become a jobs bill. And, I just want to say that my good colleague has said that we have 15 votes here to repeal RGGI, and I would urge my colleagues to do that today and vote no on the floor amendment. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

Sens. Carson, Forsythe, Groen, and White are in opposition to the Floor Amendment to HB 519-FN.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Forrester, Bradley, Houde, Odell, Kelly, Luther, Lambert, Larsen, Boutin, Barnes, Rausch, D'Allesandro, Merrill, Prescott, Stiles, Bragdon.

The following Senators voted No: Gallus, Forsythe, Groen, Sanborn, White, Carson, De Blois, Morse.

Yeas: 16 - Nays: 8

Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 651, allowing the sale and possession of monk parakeets. Ought to Pass, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: From RGGI to parrots, Mister President. Thank you. Senator Gallus, if you're impressed with me turning RGGI into a jobs bill, you're going to watch me turn a parrot bill into a jobs bill right now. It's all about jobs.

All right. I move House Bill 651 Ought to Pass. House Bill 651 allows for the sale and possession of monk parakeets, also known as "Quaker parrots". These parakeets are highly sought after as pets, and only recently were owners of pet stores aware that these birds were illegal. The bill will decriminalize the possession of these birds for hundreds of owners who already have them and also help the state's pet store owners – ie: more jobs – sell this highly sought after parrot.

So, we would please ask you to join Energy and Natural Resources on an Ought to Pass on this bill. Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just once again want to recognize Representative Notter, who's now in the gallery. This bill was very important to her; she did a ton of work on it, and I just want to recognize that work.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act. Ought to Pass, Vote 5-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move House Bill 211 Ought to Pass. House Bill 211 requires any agency, when submitting a new rule proposal, to submit the rule to the appropriate policy committee for review. The members of the policy committee will review the proposed rule to determine whether the rules are consistent with the intent of the authorizing legislation.

The bill also requires a waiver for the Joint Legislative Committee on Administrative Rules to exceed timeframes to approve or object to a rule.

The ED&A Committee voted unanimously 5-0 Ought to Pass and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 299-FN, relative to the method of financing for the judicial retirement plan. Ought to Pass with Amendment, Vote 5-0. Senator White for the committee.

Senate Executive Departments and Administration

May 5, 2011

2011-1774s

10/04

Amendment to HB 299-FN

Amend the bill by replacing all after section 1 with the following:

2 Judicial Retirement Plan; Recalculation and Recertification of Employer Rate. Notwithstanding the requirements of RSA 100-C:13, I, the board of trustees of the judicial retirement plan shall direct the plan's actuary to recalculate the employer contribution rate for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-C:13, III(d) as amended by section 1 of this act. Such recalculated employer contribution rate shall be recertified by the board of trustees to the judicial branch and shall be used by the judicial branch for state fiscal years 2012 and 2013 until the next biennial valuation.

3 Effective Date. This act shall take effect upon its passage.

SENATOR WHITE: Thank you, Mister President. I move House Bill 299-FN Ought to Pass with Amendment. House Bill 299-FN allows the annual contribution for unfunded accrued liability of the judicial retirement plan to be calculated over a 30-year period instead of 20 years. The Judicial Branch requested this change in order to get some budgetary relief, as it will save roughly eight paralegals to the Judicial Branch.

The ED&A Committee voted unanimously 5-0 Ought to Pass with Amendment and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. Ought to Pass, Vote 5-0. Senator Larsen for the committee.

SENATOR LARSEN: Thank you, Mister President. I move House Bill 413 Ought to Pass. House Bill 413 will direct the joint legislative oversight committee on emergency management systems to review the duties of four other emergency management related committees and to make a report on whether they could consolidate functions.

The ED&A Committee unanimously voted 5-0 Ought to Pass and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. Inexpedient to Legislate, Vote 5-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move House Bill 450 Inexpedient to Legislate. HB 450 reduces the penalty for unlicensed practice of barbering, manicuring, cosmetology, or esthetics. The bill also adds an exemption for providing barbering, manicuring, cosmetology, or esthetics services to family and friends for no compensation.

Might I just say, parenthetically, that especially the men on the Committee, we got a whole education about esthetics, cosmetology, and this was a good experience in governance.

The ED&A Committee voted unanimously 5-0 Inexpedient to Legislate and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. White asserts Rule 2-15 on HB 450.

Sen. Forsythe is in opposition to the motion of Inexpedient to Legislate on HB 450.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Executive Departments and Administration

May 5, 2011

2011-1772s

08/10

Amendment to HB 462-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Employer Assessment for Excess Benefits. Amend RSA 100-A:16, III-a to read as follows:

III-a. Upon the retirement of a member:

(a) The retirement system shall:

(1) Calculate average base pay of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years;

(2) Multiply the average base pay determined in subparagraph (1) above by 125 percent;

(3) Subtract the result from subparagraph (2) from the member's average final compensation.

(b) If the calculation in subparagraph (a)(3) is greater than zero, the employer shall be assessed the cost of the excess benefit provided by:

(1) Multiplying the present value of the member's retirement benefit by the amount determined in subparagraph (a)(3) divided by the ~~[amount in subparagraph (a)(2):]~~ **member's average final compensation; and**

(2) Subtracting from that amount a credit to account for the portion of the present value of the member's retirement benefit attributable to the compensation above base pay, as determined by the retirement system, that has been funded through the normal employer contributions.

(c) The employer shall certify to the accuracy of each member's base pay.

(d)(1) The retirement system shall certify to the cost determined in subparagraph (b) to the employer and assess upon the employer such cost for payment to the retirement system at such times and in such manner as the board of trustees may prescribe.

(2) The assessments upon employers determined in subparagraph (b) shall be phased-in over a 4-year period as follows:

(A) Until the end of state fiscal year 2013, the retirement system shall assess and collect 25 percent of the amount determined in subparagraph (b).

(B) For state fiscal year 2014, the retirement system shall assess and collect 50 percent of the amount determined in subparagraph (b).

(C) For state fiscal year 2015, the retirement system shall assess and collect 75 percent of the amount determined in subparagraph (b).

(D) For all state fiscal years thereafter, the retirement system shall assess and collect the full amount determined in subparagraph (b).

(3) Each such employer is hereby authorized to appropriate the sums necessary for payment of such assessments.

2 Retirement System; Effective Date; Employer Assessments. Amend 2008,300:35, VII as amended by 2009, 4:1 and 2010, 357:1, to read as follows:

VII. Sections 33 and 34 of this act shall take effect July 1, ~~[2011]~~ **2012.**

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2012 at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

2011-1772s

AMENDED ANALYSIS

This bill:

I. Modifies the method of calculation of the retirement system employer assessment under RSA 100-A:16, III-a for excess benefits paid to retirees.

II. Phases in the required payments over 4 years.

III. Extends the effective date of the implementation of employer assessments to July 1, 2012.

SENATOR GROEN: Thank you, Mister President. I move House Bill 462-FN Ought to Pass with Amendment. HB 462-FN modifies the method of calculation of the retirement system employer assessment under RSA 100-A:16 for excess benefits paid to retirees. This bill will also phase in the required payments over a four-year period.

The amendment passed by ED&A extends the effective date of the implementation of the employer assessments to July 1, 2012.

The ED&A Committee voted in favor 4-0 Ought to Pass with Amendment and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Recess. Out of recess.

Sen. Groen offered a floor amendment.

Sen. Groen, Dist. 6

May 10, 2011

2011-1814s

10/04

Floor Amendment to HB 462-FN

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Retirement System; Interactive Estimator. The retirement system shall develop and implement on the retirement system's website, within 30 days after the effective date of this section, an interactive estimator for a retirement system employer to evaluate its probable costs under RSA 100-A:16, III-a, as amended by this act, for individual members.

SENATOR GROEN: Thank you, Mister President. I move to amend HB 462 with Amendment 1814s. This amendment will require the retirement system to establish on their website an interactive estimator that will allow employers to determine what the cost of this will be to them as far as their payments to the retirement system. And, it will require that within 30 days after the effective date so that it will give approximately 11 months for employers to look at examples and look at what this will cost them and be able to budget appropriately.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. Sitting up in the gallery is the second wave of students from the Danville Elementary School. And, look how intelligent they all are; they're all staring out here and saying: "Boy, we wish we were down there being Senators." Is that what you're thinking? Well, by golly, stick around all day; you might change your minds before you go home. Don't go away yet.

I want to thank you and the teachers and the chaperones for coming up here to the State House; it's a great tour that the folks put on: a lot of history; this is a very historical room that you're viewing. Is there anyone up there that can tell me who my favorite President is? My

favorite President is a fellow by the name of Franklin Pierce; only one from New Hampshire. So, someday, maybe one of you will make it two. Thanks for coming up.

FINANCE

HB 113, prohibiting the use of state funds for New Hampshire public television. Inexpedient to Legislate, Vote 4-3. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move House Bill 113 Inexpedient to Legislate. This bill prevents any general funds from being appropriated for the New Hampshire public television.

As written, the bill would not allow New Hampshire public television to receive general funds in any instance. This includes contracting with the State for various services, including the use of their towers.

The Committee has concerns about this broad prohibition, given that the New Hampshire public television provides a vital role to the state through our telecommunications network and has a long history of working with many state agencies. The New Hampshire Public Broadcasting promotes this unique character of the state in many of its local programs on air, online, and through on-the-ground education services.

Please support the Finance Committee's motion of Inexpedient to Legislate. Thank you, Mister President.

Sen. Bradley moved to Lay on the Table HB 113.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

HEALTH AND HUMAN SERVICES

HB 442-FN, relative to the use of marijuana for medicinal purposes. Ought to Pass with Amendment, Vote 3-2. Senator Kelly for the committee.

Health and Human Services

May 5, 2011

2011-1778s

04/09

Amendment to HB 442-FN

Amend RSA 126-V:4, I as inserted by section 2 of the bill by replacing it with the following:

I. The fee structure by the department for alternative treatment centers and registry identification cards shall generate revenues sufficient to offset all state expenses of implementing and administering this chapter, and no state funds shall be used to implement or administer this chapter; however,

Amend RSA 126-V:8, II(a)(12) as inserted by section 2 of the bill by replacing it with the following:

(12) Permissible hours of operation, including the establishment of an appointment-only system for patient access.

Amend RSA 126-V:8, II(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Within 18 months of the effective date of this section, provided that at least 2 applications have been submitted that score sufficiently high to receive a certificate, the department shall issue alternative treatment center registration certificates to the 2 highest-scoring applicants.

Amend RSA 126-V:8, II(f)-(g) as inserted by section 2 of the bill by replacing them with the following:

(f) If at any time after one year after the effective date of this section, fewer than 2 alternative treatment centers hold valid registration certificates in New Hampshire, the department shall accept applications for a new alternative treatment center. Except as provided in subparagraph (g), no more than 2 alternative treatment centers shall hold valid registration certificates at one time. One alternative treatment center shall be located in Carroll, Coos, or Grafton county and one shall be located in Cheshire, Hillsborough, or Rockingham county.

(g) If at any time after 2 years after the effective date of this section, the report issued pursuant to RSA 126-V:9 determines that 2 alternative treatment centers are not sufficient to ensure access to registered qualifying patients throughout the state, the department shall accept applications for up to 2 additional alternative treatment centers and issue registration certificates to the appropriate number of applicants who score the highest. The number of additional alternative treatment centers shall be determined by the department, based on the report issued pursuant to RSA 126-V:9.

Amend RSA 126-V:8, III(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Any time one or more alternative treatment center registration applications are being considered, the department shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered designated caregivers, local law enforcement agencies, and the towns or cities where the applicants would be located.

Amend RSA 126-V:8, VI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) An alternative treatment center may not be located in a residential district or within 1,000 feet of the property line of a pre-existing public or private school or playground.

Amend RSA 126-V:8, VII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) An alternative treatment center agent shall require a qualifying patient or the designated caregiver to produce a valid registry identification card and one additional form of photo identification in order to gain access to the center. Each time an alternative treatment center agent dispenses marijuana to a registered qualifying patient directly or through the qualifying patient's registered designated caregiver, he or she shall consult the alternative treatment center's records to verify that the records do not indicate that the dispensing of marijuana would cause the registered qualifying patient to receive more marijuana than is permitted in a 10-day period. Each time marijuana is dispensed, the

alternative treatment center agent shall record the date the marijuana was dispensed and the amount dispensed. All records shall be kept according to the registry identification number of the registered qualifying patient and registered designated caregiver, if any.

Amend RSA 126-V:9 as inserted by section 2 of the bill by inserting after paragraph VI the following new paragraph and renumbering the original paragraphs VII-VIII to read as VIII-IX, respectively:

VII. Input from state and local law enforcement agencies.

Amend RSA 126-V:1, I as inserted by section 2 of the bill by replacing it with the following:

I. "Alternative treatment center" means:

(a) A not-for-profit entity registered under RSA 126-V:8 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, or related supplies and educational materials, to a registered qualifying patient who has designated it, either by dispensing it directly to the registered qualifying patient or by dispensing it to his or her registered designated caregiver, or

(b) A hospital registered under RSA 126-V:8 which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons, which has a pharmacy on site staffed full-time by at least one registered pharmacist, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, or related supplies and educational materials, to a registered qualifying patient who has designated it, either by dispensing it directly to the registered qualifying patient or by dispensing it to his or her registered designated caregiver.

Amend RSA 126-V:4, I as inserted by section 2 of the bill by replacing it with the following:

I. The fee structure by the department for alternative treatment centers and registry identification cards shall generate revenues sufficient to offset all state expenses of implementing and administering this chapter, and no state funds shall be used to implement or administer this chapter; however,

Amend RSA 126-V:8, II(a)(12) as inserted by section 2 of the bill by replacing it with the following:

(12) Permissible hours of operation, including the establishment of an appointment-only system for patient access.

Amend RSA 126-V:8, II(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Within 18 months of the effective date of this section, the department shall issue one alternative treatment center registration certificate to the highest-scoring applicant under RSA 126-V:1, I(a), provided that such applicant has achieved a score which is sufficient to receive a registration certificate. The department shall issue a registration certificate to any alternative treatment center applicant as defined in RSA 126-V:1, I(b) which receives a sufficient score under this chapter.

Amend RSA 126-V:8, II(f)-(g) as inserted by section 2 of the bill by replacing them with the following:

(f) If at any time after one year after the effective date of this section, no alternative treatment center as defined in RSA 126-V:1, I(a) holds a valid registration certificate in New Hampshire, the department shall

accept applications for registration of an alternative treatment center as defined in RSA 126-V:1, I(a). Except as provided in subparagraph (g), no more than one alternative treatment center as defined in RSA 126-V:1, I(a) shall operate in this state at any time. There shall be no limit on the number of alternative treatment centers as defined in RSA 126-V:1, I(b) in operation in this state at any time.

(g) If at any time after 2 years after the effective date of this section, the report issued pursuant to RSA 126-V:9 determines that the alternative treatment centers registered and operating in this state are not sufficient to ensure access to registered qualifying patients throughout the state, the department shall accept applications for one additional alternative treatment center as defined in RSA 126-V:1, I(a), and issue a registration certificate to the applicant which achieves the highest score.

Amend RSA 126-V:8, III(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Any time one or more alternative treatment center registration applications are being considered, the department shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered designated caregivers, local law enforcement agencies, and the towns or cities where the applicants would be located.

Amend RSA 126-V:8, VI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) An alternative treatment center as defined in RSA 126-V:1, I(a) may not be located in a residential district or within 1,000 feet of the property line of a pre-existing public or private school or playground.

Amend RSA 126-V:8, VII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) An alternative treatment center agent shall require a qualifying patient or the designated caregiver to produce a valid registry identification card and one additional form of photo identification in order to gain access to the center. Each time an alternative treatment center agent dispenses marijuana to a registered qualifying patient directly or through the qualifying patient's registered designated caregiver, he or she shall consult the alternative treatment center's records to verify that the records do not indicate that the dispensing of marijuana would cause the registered qualifying patient to receive more marijuana than is permitted in a 10-day period. Each time marijuana is dispensed, the alternative treatment center agent shall record the date the marijuana was dispensed and the amount dispensed. All records shall be kept according to the registry identification number of the registered qualifying patient and registered designated caregiver, if any.

Amend RSA 126-V:9 as inserted by section 2 of the bill by inserting after paragraph VI the following new paragraph and renumbering original paragraphs VII-VIII to read as VIII-IX, respectively:

VII. Input from state and local law enforcement agencies.

SENATOR KELLY: Thank you, Mister President. I move House Bill 442-FN Ought to Pass with Amendment. HB 442 permits the use of marijuana for medicinal purposes in New Hampshire.

The prime sponsor of the bill indicated in her testimony that this bill is about healthcare and providing a legally available medical option for patients suffering from debilitating and terminal illnesses. This will be the tightest and most carefully crafted bill in the country on this issue. It does not allow for the loopholes seen in California or Colorado, but

instead HB 442 defines in statute the limited number of debilitating medical conditions that may be treated with medical marijuana. Under HB 442, patients must be registered with the State, overseen by a physician, and suffer from conditions or symptoms that have failed other long-term available treatments listed in the bill.

The Committee heard compelling testimony from many constituents in New Hampshire who are suffering from painful and debilitating illnesses whose pain has been alleviated by medical marijuana. Among the pain sufferers were veterans who noted that in July, 2010, the U.S. Department of Veterans' Affairs approved the use of marijuana for veterans living in states where medical marijuana is legal.

The committee amendment serves to further tighten the regulations in the bill by only establishing one treatment center throughout the state and mandating that patients be seen by appointment only. It also gives law enforcement oversight in the placement of the facility.

The Health and Human Services Committee recommended by a vote of 3-2 that HB 442 Ought to Pass with Amendment and we ask for your support. Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I rise in support of House Bill 442, as well. I'd like to acknowledge that the sponsors of this bill, I think, did a great job. This bill has been before both bodies numerous times; I think they put a lot of work into tightening things up, a lot of thoughtful effort. And, I definitely feel kindred with those who have debilitating pain and suffering and nausea and so forth.

And, I also want to acknowledge that downstairs, in room 105, there's a young man named Clayton who came here because he had promised a friend of his that died in excruciating pain that somehow, some way he would see this bill through for his friend. And, unfortunately, Clayton has multiple sclerosis; he's in a fairly frail condition. And, he candidly said to me just a little while ago that he doesn't have much time left; his body's been wracked by that disease, and he had hoped to somehow see that promise to his friend carried forth.

So, I would urge my fellow colleagues to support this bill and vote Ought to Pass. Thank you, Mister President.

Sen. D'Allesandro moved to Lay on the Table HB 442-FN. Adopted.

Sens. Forsythe, Kelly, and White are in opposition to the motion to Lay on the Table HB 442-FN.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. Re-refer to committee, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move HB 479 be Re-referred to committee. HB 479 would reestablish the RSA chapter regarding procedures for receivership of nursing homes and other residential care facilities, which was repealed on July 1, 2010.

The Committee supports the concept of the bill, but finds some of the language concerning and in need of further defining. Since there were no incidents of receivership during the five years in which the law stood, we believe that all involved parties would benefit from taking additional time to address issues in the bill.

Therefore, the HHS Committee recommends HB 479 be Re-referred, and we ask for your support.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

INTERNAL AFFAIRS

HB 114, reinstating and expanding the duties of the joint legislative historical committee. Ought to Pass, Vote 5-0. Senator Lambert for the committee.

SENATOR LAMBERT: Thank you, Mister President. I move that House Bill 114 Ought to Pass. This bill reinstates the joint legislative historical committee, and the Committee asks for your support for the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 160, relative to the powers of the joint committee on legislative facilities. Inexpedient to Legislate, Vote 3-2. Senator Prescott for the committee.

SENATOR PRESCOTT: Thank you, Mister President. I move House Bill 160 Inexpedient to Legislate. This bill requires that beginning July 1, 2011, any policy revisions concerning the carrying of weapons in the State House complex must be by legislation adopted by the General Court. The Committee was told this bill was not about the policy of carrying firearms, but about the process such a policy currently experiences.

While the Committee understands the intent of the bill, the majority vote felt it was appropriate to leave the powers and duties of the joint committee on legislative facilities as they currently stand, and the Committee asks for your support for the motion of Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I rise in support of the bill because I believe that the legislative subcommittee should not have the authority to take away a fundamental right: the right to carry; that should go through the full Legislature. So, I support this bill as it is. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sens. Bradley, Forsythe, and Groen are in opposition to the motion of Inexpedient to Legislate on HB 160.

HB 190, relative to legislative study committees. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Internal Affairs

May 4, 2011

2011-1759s

04/01

Amendment to HB 190

Amend RSA 14:49, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The membership of any study committee established by the general court shall be limited to members of the general court only.

SENATOR LAMBERT: Thank you, Mister President. I move House Bill 190 Ought to Pass with Amendment. This bill limits membership on any study committee established by the General Court to members of the General Court only, and requires chairmen and -women to electronically file the committee's final report with the Clerk of the House of Representatives or Senate in addition to any other reporting requirements.

So, the Committee asks for your support in the motion of Ought to Pass with Amendment.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

JUDICIARY

HB 52, relative to grounds for modification of parental rights and responsibilities. Ought to Pass with Amendment, Vote 4-0. Senator Luther for the committee.

Senate Judiciary

April 29, 2011

2011-1678s

05/04

Amendment to HB 52

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass with Amendment on HB 52. This legislation permits the court to modify a permanent parenting order based upon the best interest of the child, and was filed in response to a New Hampshire Supreme Court ruling referred to as "Much More".

While the content of HB 52 was intended when parental statutes were revised, it was not specifically spelled out that modifications could be based upon the best interest standard.

The committee amendment merely makes the effective date 60 days after passage, which was requested by the sponsors.

The Judiciary Committee recommends this statutory clarification and welcomes your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 131, relative to indemnification of volunteers performing duties in the state park system. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary

May 5, 2011

2011-1782s

04/10

Amendment to HB 131

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2011-1782s

AMENDED ANALYSIS

This bill amends the statute governing indemnification of volunteers under the supervision of department of resources and economic development personnel.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 131. This bill deals with the indemnification for state park volunteers. A great deal of our maintenance work is done by volunteers, not just within our state parks, but also on our trails. The first section of the bill extends this liability coverage to these important, vital members.

The committee amendment deletes the second part of the bill, which sought to extend a state park system advisory council to 2016. If this group wishes to be extended, they are welcome to submit legislation to that effect.

The Judiciary Committee recommends that House Bill 131 be adopted with amendment and welcomes your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings. Ought to Pass, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass on HB 174. This bill requires that if parties are ordered to have marital counseling, then due consideration shall be given by the court to selecting a counselor who accepts direct payment from the parties' health insurance carrier.

The Judiciary Committee feels this is a reasonable consideration and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 210-FN, relative to the use of deadly force to protect oneself. Ought to Pass with Amendment, Vote 3-1. Senator Luther for the committee.

Senate Judiciary

May 5, 2011

2011-1780s

04/05

Amendment to HB 210-FN

Amend the bill by replacing section 1 with the following:

1 Physical Force in Defense of a Person. Amend RSA 627:4, III to read as follows:

III. A person is not justified in using deadly force on another to defend himself, *herself*, or a third person from deadly force by the other if he *or she* knows that he *or she* and the third person can, with complete safety:

(a) Retreat from the encounter, except that he *or she* is not required to retreat if he *or she* is within his *or her* dwelling [or], its curtilage, *or in any place where he or she has a right to be*, and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right there-to; or

(c) Comply with a demand that he *or she* abstain from performing an act which he *or she* is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the actor has provoked the use of force against himself *or herself* in the same encounter.

(d) If he *or she* is a law enforcement officer or a private person assisting [him] *a law enforcement officer* at [his] *the law enforcement officer's* direction and was acting pursuant to RSA 627:5, he *or she* need not retreat.

2011-1780s

AMENDED ANALYSIS

This bill allows a person who is in any place where he or she has a right to be to use deadly force to protect oneself or a third person.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass with Amendment on HB 210-FN. This legislation deals with the use of deadly force in protecting oneself.

The Judiciary Committee recommends that this be adopted with amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I move Re-refer to Committee.

PRESIDENT BRAGDON: I believe that a Re-refer is not in order at the present time, as there is an equivalent precedent motion on the table being considered, which is Ought to Pass as Amended. Should that fail, I will be more than happy to recognize you for a Re-referral.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: I would ask the Committee to turn down the pending motion of Ought to Pass so that a Re-refer motion can be made in order.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. Briefly, I would support Senator Bradley's motion of "nay" on the Ought to Pass as Amended so that we can support a re-referral.

I just wanted to rise to make note that I trust we'll see some of this legislation later, and as a result, I wanted to point out that I thought House Bill 210, which retained what is known as the "initial aggressor" provision, had something to speak for it instead of Senate Bill 88, which we passed earlier, which deleted the initial aggressor provision. Therefore, for those who will be talking about this again, I just wanted to bring that to their attention. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Failed.

Sen. Groen is in favor of the motion of Ought to Pass as Amended on HB 210-FN.

Sen. Luther moved Re-refer to committee on HB 210-FN. Adopted.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move that House Bill 225-FN be Re-referred to committee. This legislation sought to deal with the return of personal property confiscated by law enforcement agencies.

While the Committee is sympathetic to the return of personal property when individuals are found innocent, a number of concerns were raised at the public hearing for which there were no simple answers. Some of these unresolved issues dealt with how long the police should be required to hold onto the property; how many times they must notify the individual that the property is available; must the police return the property to the person's home, or can the individual pick up the property at the police station; what do officers do when the property was seized from seasonal residences, just to name a few of those concerns.

Senator Groen and I have volunteered to try to resolve these questions and come back with a solution that we feel protects the rights of the individuals whose property was seized and yet is respectful of the public servants who are operating within limited budgets.

The Judiciary Committee recommends that this be Re-referred so that we can continue our work, and we ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. My fellow Senators, I'd like to welcome the fourth-graders from the Simonds Elementary School in Warner, New Hampshire. As we know, Warner, New Hampshire represents the halfway point between Concord, where we stand today in these hallowed halls, and my great friend, Senator Houde's District, up in Lebanon, New Hampshire. Also home to – in case you haven't visited – one of the best firefighting museums we have and telephone museums, owned and operated by the Violettes, who presently own MCT Telecom.

So, fourth-graders from Warner, thank you so much for coming today; we truly appreciate your visit.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program. Ought to Pass, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass on HB 313. This legislation changes the statutory reference to juvenile diversion programs to require that the parent or guardian give knowing and informed consent to the juvenile being ordered to participate in a diversion program. This is important because of issues of transportation and the need of the parent or guardian's positive involvement in order for the diversion program to succeed.

The Judiciary Committee unanimously voted for Ought to Pass and recommends that this be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 330-FN, relative to carrying firearms. Re-refer to committee, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move HB 330-FN be Re-referred to committee. Article 2-a. of the New Hampshire Constitution clearly states that all persons have a right to keep and bear arms in defense of themselves, their families, their property, and the state. The U.S. Constitution states that the right of people to keep and bear arms shall not be infringed. House Bill 330-FN seeks to modify licensing requirements in order to be more consistent with the intent of both the New Hampshire and U.S. Constitutions.

The majority of the Judiciary Committee members generally supported the underlying concept, but heard concerns that some issues remain unresolved and will require further clarification.

Therefore, the Judiciary Committee recommends that this bill be Re-referred. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. Sanborn is in opposition to the motion to Re-refer to committee HB 330-FN.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force. Re-refer to committee, Vote 3-1. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move that HB 378 be Re-referred to committee. HB 378 sought to deal with a number of issues relative to criminal threatening, firearm possession, and use of non-deadly force.

Again, the Judiciary Committee members generally supported the underlying concepts of this bill, but we had concerns about how these changes could be accomplished. This bill should be viewed at the same time that HB 330 is considered, which is also Re-referred.

So, the Judiciary Committee recommends that this be Re-referred and we ask for your support. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sen. Sanborn is in opposition to the motion to Re-refer to committee HB 378-FN.

HB 478-FN, relative to testimony by video teleconference. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Senate Judiciary

May 5, 2011

2011-1779s

03/10

Amendment to HB 478-FN-LOCAL

Amend the bill by replacing section 3 with the following:

3 New Section; Testimony by Video Teleconference for Motor Vehicle Violations. Amend RSA 516 by inserting after section 37 the following new section:

516:38 Testimony by Video Teleconference for Motor Vehicle Violations. In any contested case for an alleged motor vehicle violation in district

court at which a keeper of the records or technical specialist from the department of safety, bureau of hearings or division of motor vehicles is summoned to testify, the state may move to take the testimony of the keeper of the records or technical specialist by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to records of the department of safety. Notice shall be provided to the defendant, and the defendant shall have an opportunity to object to the introduction of testimony by video teleconference. Similarly, in any contested case for an alleged motor vehicle violation in district court, the defendant may move to take the testimony of his or her own expert witness by video teleconference, provided that the testimony is limited to expert testimony or to the results of and matters relating to records of the department of safety. Notice shall be provided to the state, and the state shall have an opportunity to object to the introduction of testimony by video teleconference. Examination and cross-examination of the expert witness shall proceed in the same manner as permitted at a contested case for an alleged motor vehicle violation in district court. For purposes of this section, "video teleconference" includes the use of any technology that provides live, interactive aural and visual communication.

2011-1779s

AMENDED ANALYSIS

This bill authorizes testimony by video teleconference at department of safety administrative hearings and in district court motor vehicle cases.

SENATOR HOUDE: Thank you, Mister President. In non-firearms bills, I move Ought to Pass with Amendment on House Bill 478. This legislation deals with video conference testimony in motor vehicle cases.

We already allow for receipt of testimony via video conference in arraignments in criminal matters, and this legislation would allow the Department of Motor Vehicles to provide testimony of technical specialists by video.

The Committee, however, was concerned about the potential loss of one's license having a dramatic effect on one's livelihood and life, ability to earn a living. So, we sought to provide a balance with the committee amendment by deleting the option from proceedings at the Superior Court level. In other words, it will only be an option that would apply to those cases heard in the District Court system. The amendment also provides the ability for the petitioner to provide video testimony and for both parties to object.

The Judiciary Committee recommends that HB 478-FN be adopted with amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 490-FN, adopting the interstate compact for juveniles. Ought to Pass, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass on HB 490-FN. This legislation adopts the most recent version of the interstate compact for juveniles.

Model legislation enables the State to provide uniform treatment for juveniles who may have run away or moved. The reciprocity enables family courts to provide consistent and continued treatment for these youngsters as they cross state borders. The Department of Health and Human Services has individuals who take care of the interstate compact.

The Judiciary Committee recommends that this be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

HB 532-L, relative to municipal liability for dog bites. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass on House Bill 532-FN-L. This legislation repeals a number of archaic statutes that date back to when New Hampshire was primarily agricultural and rural. The outdated statutes places liability for dog bites on the town as opposed to the dogs' owners.

The Judiciary Committee recommends that this be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 544, relative to state authority over firearms and ammunition. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary

May 5, 2011

2011-1783s

04/09

Amendment to HB 544

Amend RSA 159:26, I as inserted by section 1 of the bill by replacing it with the following:

I. To the extent consistent with federal law, the state of New Hampshire shall have authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, [or] firearms supplies, *or knives* in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating firearms *or knives* businesses in the same manner as other businesses or to take any action allowed under RSA 207:59.

SENATOR CARSON: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 544. This legislation adds knives to the list of firearms, ammunition, and firearms-related items over which the State has authority. This provides uniform State oversight and precludes local municipalities from adopting ordinances that could single out or discriminate against these weapons.

The committee amendment merely includes the words: "or knives" in a second section of the bill.

The Judiciary Committee recommends that this be adopted with amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. Ought to Pass, Vote 3-1. Senator Groen for the committee.

Sen. Groen moved to Lay on the Table HB 614. Adopted.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Senate Judiciary
May 5, 2011
2011-1784s
05/09

Amendment to HB 634-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent and relative to standards of practice for non-certified guardians ad litem.

Amend the bill by replacing all after the enacting clause with the following:

1 Repayment of Mediator Fees by Indigent Parties. Amend RSA 461-A:7, X to read as follows:

X. In the event both parties are indigent, the mediator shall be paid a set fee for his or her services. The amount of the fee shall be set annually by supreme court rule. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the ~~[special fund established pursuant to RSA 461-A:17]~~ **mediation and arbitration fund established in RSA 490-E:4** and repaid by the parties in accordance with RSA 461-A:18, **including fees for pre-suit marital mediation authorized pursuant to RSA 490-E:2, V. The supreme court shall determine by rule a percentage amount of the entry fee paid to each clerk of court for each petition in domestic relations cases to be deposited into the mediation and arbitration fund to be used to pay for mediation where both parties are indigent. At no time shall the percentage amount exceed 25 percent of the entry fee for each petition.**

2 Repayment of Guardian Ad Litem Fees by Indigent Parties. Amend RSA 461-A:16, IV to read as follows:

IV. The fees for services for the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount as the court may determine. ~~[Where the parties are indigent, compensation for guardians ad litem and others utilized by the guardian and approved by the court shall be based upon the applicable fee schedule established by the supreme court for indigent defense counsel.]~~

3 Repayment of Mediator and Guardian Ad Litem Fees. Amend RSA 461-A:18, I to read as follows:

I. In any case where a mediator has been appointed pursuant to RSA 461-A:7 or a guardian ad litem has been appointed pursuant to RSA 461-

A:16 and the responsible party's proportional share of the expense [is] *was* ordered to be paid by the judicial council from the *prior* special fund established pursuant to RSA 461-A:17 *or is ordered to be paid by the judicial branch from the mediation and arbitration fund pursuant to RSA 490-E:4*, the party shall be ordered by the court to repay the state through the unit of cost containment, office of administrative services, the fees and expenses paid on the party's behalf as the court may order consistent with the party's ability to pay, such ability to be determined by the unit of cost containment.

4 Mediation and Arbitration Fund. Amend RSA 490-E:4, I(a) to read as follows:

(a) All moneys collected pursuant to ***RSA 461-A:7, X***, RSA 490:27, II, RSA 490-D:12, III, RSA 503:4, II, and RSA 502-A:28, III.

5 Liability for Expenses. RSA 461-A:17 is repealed and reenacted to read as follows:

461-A:17 Guardians Ad Litem and Mediators; Liability for Expenses. The judicial council shall have no responsibility for the payment of the costs of a mediator or guardian ad litem for any party under this chapter.

6 Repeal. RSA 6:12, I(b)(81), relative to moneys deposited in the mediator and guardian ad litem fund, is repealed.

7 Parental Rights and Responsibilities; Non-Certified Guardians Ad Litem. Amend the introductory paragraph of RSA 461-A:16, VI to read as follows:

VI. The supreme court shall provide the following relative to ***non-certified*** guardians ad litem appointed pursuant to this section:

8 Effective Date. This act shall take effect July 1, 2011.

2011-1784s

AMENDED ANALYSIS

This bill:

I. Abolishes a special fund for compensation of mediators and guardians ad litem in marital cases where the parties are indigent and requires that such compensation be paid from the mediation and arbitration fund.

II. Requires the supreme court to determine by rule a percentage amount of the entry fee for each petition in domestic relations cases to be deposited into the mediation and arbitration fund.

III. Requires the supreme court to adopt practice standards for non-certified guardians ad litem appointed in parental rights and responsibilities cases.

Sen. Houde moved to Lay on the Table HB 634-FN. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

HB 61, relative to daylight saving time. Ought to Pass, Vote 5-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 61 Ought to Pass. This bill amends New Hampshire statutes so that the dates for daylight savings time correspond with changes made at the federal level in 2007: Clocks spring ahead one hour on the second Sunday of March, and they fall back on the first Sunday in November. New Hampshire has been following the 2007 federal rules. This bill would simply update RSA 21:36 to include the new dates.

The Public and Municipal Affairs Committee recommends House Bill 61 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 109, relative to residential fire sprinklers. Ought to Pass with Amendment, Vote 4-1. Senator Barnes for the committee.

Public and Municipal Affairs

May 4, 2011

2011-1749s

05/10

Amendment to HB 109

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Local Land Use; Subdivision Regulations. Amend RSA 674:36 by inserting after paragraph III the following new paragraph:

IV. The planning board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system.

2 Effective Date. This act shall take effect July 1, 2011.

SENATOR BARNES: Thank you, Mister President. I move House Bill 109 Ought to Pass with Amendment. This bill prohibits local planning boards from requiring or adopting any regulation requiring the installation of a fire suppression sprinkler system in proposed one- or two-family residences as a condition of approval for a local permit. The bill does not affect multi-family housing.

The Public and Municipal Affairs Committee recommends House Bill 109 be adopted as amended and thanks you in advance for your support.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Prescott asserts Rule 2-15 on HB 109.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Prescott asserts Rule 2-15 on HB 109.

Sen. Odell is in opposition to the motion of Ought to Pass as Amended on HB 109.

HB 257, relative to removal of political advertising. Inexpedient to Legislate, Vote 5-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. This bill eliminates the deadline for candidates to remove political advertising.

Testimony received by the Committee described the removal of political advertising as a basic issue of personal responsibility. And, we all know that all of you took your signs down right after the election was over. The obligation of the candidate to pick up his or her signs should be retained.

The Public and Municipal Affairs Committee recommends House Bill 257 be found Inexpedient to Legislate and once again asks for your unanimous support.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 398, relative to service animals. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I rise to move House Bill 398 Ought to Pass. This bill updates RSA 167-D to conform to the new ADA's new definition of "service animals". It recognizes the important roles service animals play in the lives of those with a variety of disabilities. The Public and Municipal Affairs Committee recommends House Bill 398 be adopted and we ask for your unanimous support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 487-FN, relative to election day registrants. Ought to Pass with Amendment, Vote 4-1. Senator Stiles for the committee.

Public and Municipal Affairs

May 4, 2011

2011-1747s

03/05

Amendment to HB 487-FN

Amend RSA 654:12, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at a state general election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within 90 days after the general election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person *to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.*

SENATOR STILES: Thank you, Mister President. I move House Bill 487-FN Ought to Pass with Amendment. This bill requires a first-time election-day registrant who did not verify his or her identity with an approved photo identification to return written identity verification confirming the individual did indeed register and vote.

Currently, a letter of verification is sent from the Secretary of State's Office. The proposed returned mailing is a logical extension of this process.

The Public and Municipal Affairs Committee recommends House Bill 487-FN be adopted as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I was the one "no" vote in Committee. And, I did not support HB 487 because I think it adds an unnecessary layer of bureaucracy, and probably ineffective requirements to the voting process for those people we most want to participate,

and those are our first-time voters. I believe this is another proposal aimed at addressing what, in New Hampshire, is a nonexistent problem: that of voter fraud. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 18 - Nays: 6

Adopted, bill ordered to Third Reading.

HB 521, relative to meeting dates for county conventions. Ought to Pass, Vote 4-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 521 Ought to Pass. RSA 24:9 requires the first meeting of the county convention to be held during the week of the second Wednesday of December on even-numbered years. A conflict could arise when county commissioners mail their budget statement and attempt to schedule the mandated public hearing in accordance with RSA 24:23. Amending current statute enables having a meeting organized and holding the budget hearing on the very same day without being in violation of the statutes.

The Public and Municipal Affairs Committee recommends House Bill 521 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

TRANSPORTATION

HB 218, repealing the New Hampshire rail transit authority. Ought to Pass with Amendment, Vote 4-1. Senator Boutin for the committee.

Senate Transportation

May 5, 2011

2011-1773s

05/10

Amendment to HB 218

Amend the title of the bill by replacing it with the following:

AN ACT relative to the New Hampshire rail transit authority.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Rail Transit Authority; Authority Established. Amend RSA 238-A:2 to read as follows:

238-A:2 Authority Established; Duties. There is hereby established the New Hampshire rail transit authority for the [general] purpose of *studying cost-benefit analyses of* developing [and providing] commuter rail or other similar forms of passenger rail service. The authority shall be an administratively attached agency, pursuant to RSA 21-G:10, to the department of transportation.

2 Membership. Amend RSA 238-A:4, I(h) to read as follows:

(h) Four members appointed by the governor, one of whom resides in the ~~[service]~~ **study** area of the authority as established in RSA 238-A:5, I, 2 of whom are recognized as experts in railroad matters, and one public member.

3 Study Areas of the Authority. Amend RSA 238-A:5 to read as follows: 238-A:5 ~~[Service Area]~~ **Study Areas** of the Authority.

I. The ~~[service area]~~ **study areas** of the authority shall include any town or city in the state of New Hampshire through which commuter rail or other similar forms of passenger rail service ~~[operates or]~~ may operate.

II. The board of directors shall determine when to expand the ~~[service area]~~ **study areas** of the authority. Upon approval of a resolution to expand the ~~[service area]~~ **study areas** of the authority, after a properly noticed public hearing, the board of directors shall notify eligible cities, towns, or regional planning commissions of the determination to expand the ~~[service area]~~ **study areas** of the authority. A city, town, or regional planning commission may petition the authority to support the development and establishment of commuter rail and related public transportation services within its jurisdiction. The board of directors shall have sole discretion to accept or reject any such petition. When considering an expansion of the ~~[service area]~~ **study areas** of the authority the board of directors shall consider support for the proposed passenger or commuter rail project by affected towns, cities, and regional planning commissions, and the completion of an alternatives analysis or major investment study.

III. When the ~~[service area]~~ **study areas** of the authority ~~[is]~~ **are** expanded as identified in ~~[RSA 238-A:5,]~~ **paragraph II**, new members will be added to the board of directors as follows:

(a) One designee for each town or city added to the ~~[service area]~~ **study areas** that is not represented on the board of directors.

(b) One designee for each regional planning commission added to the ~~[service area]~~ **study areas** that is not represented on the board of directors.

4 Powers. Amend RSA 238-A:8, XIII to read as follows:

XIII. Conduct or cause to be conducted any studies that the authority determines necessary **pursuant to RSA 238-A:2**.

5 Expenses and Obligations. Amend RSA 238-A:11 to read as follows: 238-A:11 Expenses and Obligations. All expenses incurred in carrying out this chapter shall be paid solely from funds provided to or obtained by the authority under this chapter. ~~[Any notes, obligations, or liabilities under this chapter shall not be deemed to be a debt of the state or a pledge of the faith and credit of the state; but those notes, obligations, and liabilities are payable exclusively from funds provided to or obtained by the authority under this chapter. The records and correspondence relating to negotiations, trade secrets received by the authority, and estimates of costs on projects to be put out to bid are confidential.]~~

6 New Section; Limitation of Authority. Amend RSA 238-A by inserting after section 19 the following new section:

238-A:20 Limitation of Authority. Neither the state of New Hampshire nor its representatives shall expend any capital or operating funds for the purpose of developing or providing passenger rail service without the approval of the general court.

7 Repeal. The following are repealed:

I. RSA 238-A:1, V, VI, and VII, relative to definitions of railroad lines, passenger rail service, and railroad.

II. RSA 238-A:3, relative to duties of the authority.

- III. RSA 238-A:5, II and III, relative to service area of the authority.
 - IV. RSA 238-A:8, VII, IX, X, XII, XIV, XV, and XVI, relative to powers of the authority.
 - V. RSA 238-A:9, I, II, III, IV, V, VI, VII, and VIII, relative to funding.
 - VI. RSA 238-A:10, relative to bonds.
 - VII. RSA 238-A:13, relative to property of the authority.
 - VIII. RSA 238-A:14, relative to exemption from taxes.
 - IX. RSA 238-A:15, relative to public utilities commission.
 - X. RSA 238-A:16, relative to review of rail transit authority.
- 8 Effective Date. This act shall take effect upon its passage.

2011-1773s

AMENDED ANALYSIS

This bill modifies the New Hampshire rail transit authority.

SENATOR BOUTIN: Thank you, Mister President. I rise to move House Bill 218 Ought to Pass with Amendment. House Bill 218, as it came to the Senate from the House, called for the abolishment of the New Hampshire Rail Transit Authority. The Committee shares many of the same concerns as the House expressed regarding the Authority's broad bonding/leasing, acquisition, and eminent domain powers.

Supporters of passenger rail service testified in opposition to House Bill 218, stating that without a study, the State would not have the data to ascertain the economic viability of passenger rail. Those who testified in opposition to House Bill 218 did state, however, that curtailment of some of the Authority's powers would be acceptable to them, so long as the Authority can keep in existence with the charge to undertake, in conjunction with the Department of Transportation, a comprehensive passenger rail service study. The Committee listened and took the testimony offered by those opponents under serious advisement. The proposed amendment to House Bill 218 does align with their interests and their desire to have the study done.

The amendment to House Bill 218, crafted after consultation with a number of stakeholders, will curtail the Authority's broad bonding/leasing, acquisition, and eminent domain powers, but it does permit and encourages the Authority to do the comprehensive rails study.

The Transportation Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Sen. Lambert.)

SENATOR LAMBERT: Mister President, thank you. I'll be brief about this. I just want to deal with the whole rail issue in one fell swoop, if you don't mind. Look, I'm as passionate on this bill as I am on RGGI, as well, but I'm not going to go as long, for obvious reasons. But, look: My District – I've got a railroad track going from one end to the other. The problem is, there's no people on it. The problem is, I've got a whole bunch of people in my District that go to work in Boston. I've got an office in Boston, as well as one in Nashua, so I'm going to consider myself an expert commuter. If you want to get on the train, you've got to drive to Lowell – get on a packed train, and then go to Lowell. The train will be packed from Nashua, I can guarantee you, because guess what? We've got a bus service now, and it's packed. Get on the 6:00 bus like I do, two buses leave, and they're packed full of people. You know what the problem is? You've got to go north to get on the bus to go south to go to Boston. So, what's wrong with that picture? Anyway.

Enough is enough about that. But, I'm telling you, rail – at \$4.00 a gallon for gas, there's a time for rail – rail is now. Thank you very much, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Lambert, seconded by Sen. Prescott.

The following Senators voted Yes: Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, White, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Gallus, Odell, Kelly, Luther, Lambert, Larsen, D'Allesandro, Merrill, Prescott.

Yeas: 15 - Nays: 9

Adopted.

Sen. Lambert offered a floor amendment.

Sen. Lambert, Dist. 13

Sen. Luther, Dist. 12

Sen. Kelly, Dist. 10

May 11, 2011

2011-1856s

06/05

Floor Amendment to HB 218

Amend the title of the bill by replacing it with the following:

AN ACT relative to the New Hampshire rail transit authority.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Rail Transit Authority; Authority Established. Amend RSA 238-A:2 to read as follows:

238-A:2 Authority Established. There is hereby established the New Hampshire rail transit authority for the general purpose of ~~[developing and providing]~~ ***overseeing and facilitating activities related to*** commuter rail or other similar forms of passenger rail service. The authority shall be an administratively attached agency, pursuant to RSA 21-G10, to the department of transportation. ***Pursuant to this authority, prior to the expenditure of any state or federal moneys by the state of New Hampshire, or its representatives, on the construction or reconstruction of any passenger railroad infrastructure, or the operation of passenger railroad service, the department of transportation and the New Hampshire rail transit authority shall first receive approval from the general court for both the capital and operating budget appropriations related to passenger rail service. This section shall not apply to federal money received or expended for planning purposes or studies related to passenger rail service.***

2 New Hampshire Rail Transit Authority; Duties. Amend RSA 238-A:3 to read as follows:

238-A:3 Duties. The authority and the department of transportation shall allocate their respective responsibilities for passenger rail service in a memorandum of understanding. The authority shall take all actions that are reasonably necessary to establish regularly scheduled commuter rail or other similar forms of passenger rail service between points within the state of New Hampshire and points within and adjacent to the state of New Hampshire. These actions may include, but are not limited to:

I. Studying the feasibility of new or expanded passenger rail service and making recommendations to the general court as appropriate. Studies shall include potential impacts of expanded passenger rail service on freight rail.

II. Subject to the approval of the general court, the acquisition, lease, possession, use, operation, repair, renewal, construction, reconstruction, rehabilitation, modernization, rebuilding, relocation, maintenance, and disposition of:

- (a) Railroad lines and related facilities.
- (b) Railroad rolling stock, machinery, and equipment.
- (c) Real and personal property of any kind.

[H] III. Subject to the approval of the general court, the acquisition, lease, license, possession, use, and disposition of any rights in or related to such property, including trackage, operating, maintenance, dispatching, and other contractual rights and services from railroad companies, other transportation service providers, public utilities, private persons, and government agencies including the Massachusetts Bay Transportation Authority.

3 New Hampshire Rail Transit Authority: Powers. Amend RSA 238 A:8, IX and X to read as follows:

IX. Subject to the approval of the general court, enter into and fulfill any contracts or agreements with public or private transportation operators, government agencies, or other entities for management, operation, or support of public transit services or as the board of directors otherwise deems necessary.

X. Subject to the approval of the general court, lease the passenger rail system or part thereof, or contract for the use of the passenger rail system or any part thereof with any operator as may be required for operation of the passenger rail service.

4 New Hampshire Rail Transit Authority; Funding. Amend the introductory paragraph of RSA 238-A:9 to read as follows:

238-A:9 Funding. The authority shall seek, apply for, accept for its use, and use funds necessary for the implementation of this chapter. Pursuant to this section, prior to the expenditure of any state or federal moneys by the state of New Hampshire, or its representatives, on the construction or reconstruction of any passenger railroad infrastructure, or the operation of passenger railroad service, the department of transportation and the New Hampshire rail transit authority shall first receive approval from the general court for both the capital and operating budget appropriations related to passenger rail service. This section shall not apply to federal money received or expended for planning purposes or studies related to passenger rail service.

5 Repeal. The following are repealed:

- I. RSA 238-A:8, VII and XII, relative to powers of the authority.
- II. RSA 238-A:10, relative to bonds.
- III. RSA 238-A:13, II, relative to property of the authority.

6 Effective Date. This act shall take effect upon its passage.

2011-1856s

AMENDED ANALYSIS

This bill modifies the duties of the New Hampshire rail transit authority. The bill requires the approval of the general court for any expenditures for rail transit.

SENATOR LAMBERT: Thank you, Mister President. I do want to say, my name is on it, as well as Senator Luther's and Senator Kelly's. Senator Kelly's worked very hard on this amendment as well, as has Chris Williams from the Chamber, who's really helped us put this together. And, if I could briefly discuss the terms of the amendment:

Essentially, it changes the language relating to the authority and scope of the Rail Authority by deleting the phrase: "develop and promote passenger rail" and replacing it with: "oversee and facilitate activities related to passenger rail". It adds language throughout the entire statute governing the Rail Authority, which explicitly requires the Rail Authority to first secure legislative approval for any activities beyond simply studying passenger rail. It keeps in place the liability cap; it keeps in place the severability clause; it keeps in place the memorandum of understanding – MOU. But, essentially, I would encourage you to vote with me in favor of this amendment, and I'm sure Senator Luther would like to say a few words.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. Yeah, we are "Team Nashua", so we stand together. Many of my years, I have commuted by rail. When I was in college, in the summers, going into Washington, D.C. and Philadelphia. And, anybody who commutes on a regular basis to Boston by car, if you still have hair left, you know how stressful that can be. So, I think that this – and, I agree with my esteemed colleague: With energy prices, the way they're going, we are going to go past \$4.00; we're going to be at \$5.00; we're going to keep going. I think this is a very serious option. And, the folks in our area, Greater Nashua, they've been asking for this; they've been very clear about this across the board. So, I stand in support of this amendment. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you, Mister President. Yes, and I do support this floor amendment. I believe that this amendment is an appropriate and reasonable compromise to HB 218 and the committee amendment. I stand with my Nashua colleagues – not because I live in Nashua – and this capital corridor would not be going directly through my District. However, I would support any initiatives for the Manchester Airport, as well, and that's not in my District. But, I do recognize that many of the initiatives that we have, including air travel and rail and other transportation, affects all of our communities in the state.

And, I just want to reaffirm the changes in this floor amendment – what this brings, and the changes that it brings to Senator Boutin's amendment. And, that it does add language throughout the entire RSA on the Rail Authority that the Rail would have to first receive approval from the General Court for any actions. And, it also eliminates the eminent domain language and also the bonding authority, and I think that's important.

I do want to say though that without this floor amendment, the Rail Authority would either be repealed – which was the original legislation – or it will become just a very glorified study committee, which I think will result in New Hampshire losing its ability to leverage federal funding for rail transportation as an alternative transportation.

When legislators created the Rail Authority, they sent, originally, a very clear message to Washington that New Hampshire was committed to

alternative transportation, such as rail, which would support business; it would support jobs, and would support economic growth. A study committee, as in the previous amendment, the Boutin amendment, just does the opposite.

In 2010, in January of 2010, there was an economic development research group that prepared a report for the Rail Authority. And, its results were that a proposed service for rail would provide four types of economic benefits: time savings, reduced traffic congestion, improved labor market access, and expanded customer markets. Each of these benefits leads, in a different way, to reduce business and household costs and ultimately to expand business sales, income, and jobs along the corridor. Construction of the rail line and operation of the rail service will also provide additional temporary and full-time jobs. Over 90 percent of these new jobs will be filled by New Hampshire residents.

The New Hampshire Department of Transportation has received and holds now \$4.1 million of federal funding for a study of modes of transportation – all modes of transportation – along the capital corridor route and access to the viability of each. Without – and remember this – without the New Hampshire Rail Transit Authority, the State of New Hampshire would not have applied for that funding. And, as most of you probably read yesterday in the *Nashua Telegraph*... I'm going to quote from the *Telegraph*: "The Obama administration parceled out \$2 billion on Monday for high-speed rail projects in the Northeast, Midwest, and California, repurposing funds rejected in February by Florida's new Republican Governor. These projects will put thousands of Americans to work, save hundreds of thousands of hours for American travelers every year, and boost U.S. manufacturing by investing hundreds of millions of dollars in next-generation, American-made locomotive and rail cars." And, that's a quote from the Transportation Secretary.

I also heard – and we heard this in discussion in our committee – we heard that there were concerns in the committee that taxpayers may have to pay future operating costs, and therefore they could not support the current work of the Rail Authority. In my mind, when I think about that, I feel like that would be just really similar to one of my children coming to me and saying they received a scholarship for college, but then they say no to the scholarship because there might be a future fee in college. Hence, by doing that, they're losing their scholarship; he loses his ability to leverage a good income and employment opportunities for the rest of his life.

Without the changes in the floor amendment, New Hampshire will have a nice, documented, completed study. But, without the ongoing work of the Rail Authority, New Hampshire will have lost the opportunity to build rails and the opportunity to support business, new jobs, and economic growth. I ask you to support this floor amendment that allows the work of the New Hampshire Rail Transit Authority to continue and acknowledges the need to balance the relationship of the Rail Transit Authority with the wisdom and the oversight of the General Court. Thank you.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. Well, we learn something new every day, because I've been under the assumption, I believe correctly, the power lies in the Department of Transportation; it's always been there. This grant goes to the Department of Transportation; all grants go to Department of Transportation. Nashua could have had rail

a long time ago, working with the Department, if there had been a sense of cooperation, especially with the owner of the line, namely PanAm, instead of a conflict in how we're developing that process, and instead of taking their eye off of the ball and decided we needed a corridor up to Concord instead of Nashua to Boston. If we had kept the eye on the ball, maybe we could have accomplished it; I happen to be in support of Nashua to Boston. But, we lost that momentum. That's with the DOT. I don't have a problem with the Rail Authority, but let's not make them something they are not.

The Department of Transportation controls rail in this state; they do now and they will in the future. They work cooperatively through a memorandum with the Rail Authority, but there is nothing that precludes the development of rail in this state through the Department of Transportation. So, let's not make something out of nothing. We have a Department of Transportation; we can do very well if this isn't even in existence. I support them doing the study; I'm happy to allow that to go along: a lot of great volunteers, a lot of hard work. But, let's not say that without them we could not do rail, because that just isn't accurate. Thank you.

(The Chair recognized Sen. Stiles for a question of Sen. Kelly.)

SENATOR STILES: Thank you, Senator. The committee amendment allows the study to go forward. Can't we put legislation forward after we know what the study tells us, rather than...

SENATOR KELLY: Thank you, and thank you for the question. I do want to clarify, as well, what Senator Rausch – one of the things that he mentioned. Certainly the DOT is doing a study. But, without the Rail Authority having leveraged their communication and management – the communication within the state on rail with the federal government – we would not have received that money – I should say the Department of Transportation would not have received that money to go on forward with the study.

If we do just the study by itself with the Department, and at the same time, the Rail Authority is not doing their work, then we will not be able to leverage whatever the conclusion is – and, I'm hopeful and optimistic that the conclusion would be that rail would be good for the state – we would have lost our momentum and any leveraging with the federal government to receive any further funding.

What the Rail Authority has been able to do is to be able to – and, remember, it was legislators. So, what legislators, I should say, were able to do by legislating the Rail Authority was to send a very strong, clear message to Washington that we are committed to looking at alternative forms of transportation, in particular rail. So, then we become a player for those resources. Without the Rail Authority managing and without that strong voice, whatever the study says, as I said before, will be a very nice document put on a shelf. But, we won't have any leverage to work with the federal government for funding. And, you know that it also came up during the committee about subsidies – receiving federal subsidies. There is not one mode of transportation in our state that is not subsidized by the federal government.

SENATOR STILES: I think you answered my question.

SENATOR KELLY: Thank you.

SENATOR STILES: Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Rc19 for a question of Sen. Rausch.)

SENATOR LARSEN: Senator Rausch, you had spoken about the ability of the DOT to take over this project even if the Rail Transit Authority is discontinued. But, I'm reading from the hearing notes that you invited Mr. Pillsbury from DOT to speak, and he said that the Rail Transit Authority...He stated that the Department of Transportation Rail Bureau is limited in its size, and therefore the Rail Transit Authority offers a benefit to the DOT; he feels that this bill is not good for the development of rail transit.

I live in the capital corridor – it's called the capital corridor. And, ultimately, I think it's wise for us to develop all the forms of our transportation capabilities. Developing rail does not mean that we're not going to have bus and further highway traffic or trucking traffic; we need to have all of those options, particularly when gas is so high.

So, here you're hearing from your own Department of Transportation, and you're hearing that they are not capable...they do not have, I think, the ability that the Rail Transit Authority offers them. So, I'm wondering why you say that we can just leave it to the Department of Transportation.

SENATOR RAUSCH: They can do it, but they have a group of volunteers to assist them, and they have a memorandum. But, they had done rail way before the Transit Authority, and they are certainly capable of continuing to do rail. So, this does not preclude them whatsoever. They applied for the TIGER grant to go from Boston to Montreal through the capital corridor; of course, it wasn't successful. But, they have applied for grants, and I'm pretty sure that Florida got a \$2 billion grant – which they turned down – and I don't think they have a rail authority.

So, the money is out there; you don't need a rail authority. Rail will move forward or not based on demographics. There are demographics that support it in areas; that's what this study is going to do. If the study comes out and says we need rail, the Department is fully capable of pursuing that whether they do it with the assistance of a rail authority or not. They have the ability – they've always had the ability. How many miles and miles of rail do we own in this state? Who controls that? Who takes care of that? Department of Transportation.

(The Chair recognized Sen. Sanborn for a question of Sen. Lambert.)

SENATOR SANBORN: Thank you, Senator; I appreciate it. With or without this commission...I'm looking for a re-clarification; I think I've got lost in the mud somewhere. With or without this commission, does Nashua still have the ability, if they so choose, to go down the path of trying to put rail from Nashua down into Lowell and Boston?

SENATOR LAMBERT: Nashua has the ability, but this helps that ability; the rail commission helps the ability.

SENATOR SANBORN: Thank you, sir.

SENATOR LAMBERT: It's a step in the right direction.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. First, I'd just love to acknowledge the emergence of Senator Lambert today; it's been very exciting, after all these months since November, not hearing a peep out of him, that he's taken flight; I'm excited about that. So, that's very exciting.

I also thought it was somewhat humorous that Senator Luther chimed in and said: "You know, we in Nashua stand together," although during that RGGI bill, it sure didn't look it.

But, all kidding aside, this bill was important to the Merrimack-Bedford area, which represents 85 percent of my electorate. And, it was communicated to me that they wanted to see the Rail Authority continue. And, I've got to say that I had very mixed emotions about that, because as a person who believes in limited government and has a Libertarian-type of streak inside me, I did not want to see the Rail Authority to continue. So, I felt like I was betwixt handling some things some of my constituents wanted and my own personal beliefs.

And so, I recommend against this floor amendment, and I applaud the amendment of Senator Dave Boutin, who put a lot of work into it, and really was able to bridge those two things that were tying me up in terms of my constituents that wanted to see the Rail Authority continue their work and finish it to the end, and yet the Libertarian and conservative part of me did not want to see bonding authority and did not want to see eminent domain authority. And so, I applaud Senator Boutin's amendment and would support the bill as we just amended it, and would ask you to reject the Lambert-Luther...Are you on that? Okay. Never was sure about that. Okay. The Kelly-Lambert-Luther amendment. Thank you, Mister President.

(The Chair recognized Sen. Rausch for a question of Sen. Lambert.)

SENATOR RAUSCH: Am I not correct that the Department of Transportation has built a park-and-ride – that, coincidentally, happens to be adjacent to the rail system built out of highway funds to help the rail system which, by the way, was extremely controversial, because highway funds are not to be used for rail – but, did we not in fact build that park-and-ride to help Nashua maybe for intermodal transportation, including rail?

SENATOR LAMBERT: We did, and look at the success rate of it; look at what you did. And, that was subsidized, too. And, look what's happening there: The place is a mob scene; the parking lot is packed. People going to and from Boston every hour and a half and the buses are packed. We need more mass transportation.

(The Chair recognized Sen. Rausch for a follow-up question of Sen. Lambert.)

SENATOR RAUSCH: But, it was designed, was it not, to assist Nashua in implementation of rail to Boston? Somebody dropped the ball, but it's not because we need this piece of legislation.

SENATOR LAMBERT: Well, somebody dropped the ball; I didn't drop the ball. Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Lambert, seconded by Sen. Luther.

The following Senators voted Yes: Houde, Odell, Kelly, Luther, Lambert, Larsen, D'Allesandro, Merrill, Prescott.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

Yeas: 9 - Nays: 15

Failed.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President; I'll be very brief. I won't also ask for a reconsideration of my first vote on the committee amendment, I would just like to add that my predecessor in this Senate seat, in this Senate District, is a strong proponent of the Rail Transit Authority, and I would want to be on record as not supporting what is to turn it into a study committee. So, I will be voting against the bill as amended, and just want it to be very clear for that for the record. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Lambert, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Luther, Lambert, Larsen, D'Allesandro, Merrill.

Yeas: 16 - Nays: 8

Adopted, bill ordered to Third Reading.

WAYS AND MEANS

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. Ought to Pass with Amendment, Vote 4-0. Senator Luther for the committee.

Senate Ways and Means

May 3, 2011

2011-1716s

01/09

Amendment to HB 557-FN-A

Amend the bill by replacing all after section 1 with the following:

2 Reasonable Compensation Deduction. RSA 77-A:4, III is repealed and reenacted as follows:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship, partnership, or limited liability company, a deduction equal to a fair and reasonable compensation for the personal services of a natural person who is a proprietor, partner, or member provided to the business organization, provided, however, that the amount of such deduction shall not exceed such business organization's gross business profits. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the personal services of the proprietor, partner, or member. Such amounts shall generally include all amounts reported as earned income on federal tax returns, but shall also include amounts attributable to personal services provided in connection with the operation and rental of real property, the sale of property and services, and other amounts due to services rendered.

(b) A taxpayer claiming a deduction under this paragraph shall bear the burden of proving that at least one or more proprietors, partners, or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of

proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive.

3 Applicability. This act shall apply with respect to taxable periods ending after January 1, 2013.

4 Effective Date. This act shall take effect upon its passage.

SENATOR LUTHER: Well, it's my privilege to introduce the last bill. Okay; I'll be quick here. Thank you, Mister President. I move House Bill 557 Ought to Pass with Amendment. This bill deals with the burden of proof with respect to the business profits tax deduction for reasonable compensation. Specifically, it shifts the burden of proof from the business owner to the Department of Revenue Administration to prove that someone is unreasonably compensating themselves.

The committee amendment replaces the bill with the Senate's version, Senate Bill 125, which is currently before the House Ways and Means Committee. The committee amendment also changes the effective date to upon passage. However, it leaves the applicability date of January 1, 2013.

The Ways and Means Committee recommends this legislation be adopted with amendment and asks for your support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 52, relative to grounds for modification of parental rights and responsibilities.

HB 61, relative to daylight saving time.

HB 109, relative to residential fire sprinklers.

HB 114, reinstating and expanding the duties of the joint legislative historical committee.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings.

HB 190, relative to legislative study committees.

HB 205-FN, relative to notice to owners of upstream dams.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act.

HB 218, relative to the New Hampshire rail transit authority.

HB 291, relative to permissible fireworks.

HB 299-FN, relative to the method of financing for the judicial retirement plan.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

HB 398, relative to service animals.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.

HB 487-FN, relative to election day registrants.

HB 521, relative to meeting dates for county conventions.

HB 532-L, relative to municipal liability for dog bites.

HB 544, relative to state authority over firearms and ammunition.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

HB 651, allowing the sale and possession of monk parakeets.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Prescott: HB 109.

Sen. Sanborn: HB 605.

Sen. White: HB 450.

ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, a moment of personal privilege. For my colleagues in the Senate, as some of you have been reading in the newspaper, we had a tragedy in Manchester over the weekend where an individual took a child, was holed up with that child, and that came to a very bad, bad situation.

But, I want to say two things: First of all, the Manchester police force did an outstanding job. The Chief of Police who was in charge of this situation was very, very, very confident about his decision-making process, decided that that area would be blocked off for 36 hours, and that every, every effort would be made to get that individual to accede to what would have been a reasonable solution.

With the efforts of the State Police, who were brought in because of the length of service, the vigilance around the area was maintained. It showed a tremendous, tremendous cooperative spirit between the State of New Hampshire and the City of Manchester. The individual didn't come out of it surviving; he made a statement that he would not come out of the situation alive, and as a result, action was taken. But, I think it's imperative for us to recognize, as we go through this process – and I'm referring specifically to the budget process – that our State Police are called upon over and over again by municipalities throughout this state, and they deliver. They come with the great credibility of the State

Police, with the authority that we have granted them, and obviously with the expertise that's needed in certain situations. They're always there. The State has never, never abated from its position of aiding the municipalities. The State was there for Manchester; I think we've got to think about that.

This is a different world than it was when I moved to Manchester some 50 years ago; it's a different world we're living in. And, I think a credit to us is the law enforcement agencies that came and delivered for us, for all of us. And, it was in my District, on South Main Street, where this happened. And, many of these events are occurring in urban areas – not just in Manchester. But, remember that our guardians of our safety are our police and fire, and we can't ever forget that; they risk their lives. Those individuals – both Manchester police officers and State Police officers – were risking their lives to protect everyone in that surrounding area. We should really think about that and give great credit to them. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I had the honor of going up to the Tilton Veterans Home with Senator Barnes yesterday, although I think it was a ploy to keep me away from talking to Senators about medical marijuana. But, it was a great honor to go there; they were dedicating the women's wing for the women veterans who served in World War II; there were some from Korea, I'm not sure if Vietnam, as well. So, I just want to take this opportunity – I'm sure Senator Barnes would agree – to thank our women veterans, especially Senator Sharon Carson, and thanks for their service. Thank you, Mister President.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I just want to tell the Finance Committee members, if they check their computers, I believe Friday's schedule will be on the computer when you get there; Shannon left to go do that. There's 12 votes on Friday for departments; I believe one of them is Safety. And, I believe the Senate will be proud of what I'm recommending for the Department of Safety, and I'm sure the Committee's going to look to support that. So, I think you can be proud of what we're going to do in Safety. So, thank you.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

**May 9, 2011
2011-1807-EBA
08/10**

Enrolled Bill Amendment to HB 55

The Committee on Enrolled Bills to which was referred HB 55

AN ACT adding members to the exotic aquatic weeds and species committee.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 55

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 55

Amend RSA 487:30, II(a)(3) as inserted by section 1 of the bill by replacing line 2 with the following:

chairman of the board of that association with the concurrence of the chairperson of the

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 4, 2011

2011-1752-EBA

10/05

Enrolled Bill Amendment to HB 426

The Committee on Enrolled Bills to which was referred HB 426

AN ACT adding certain entities to the unused prescription drug program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 426

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 426

Amend RSA 318:58, I as inserted by section 1 of the bill by replacing line 3 with the following:

to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a or

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill HB 35, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

HB 86, relative to filling a vacancy among county officers.

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

HB 438, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 609, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

HB 621, relative to the authority of the department of transportation.

SB 122, establishing a committee to study the laws relating to electronic prescriptions.

SB 195, naming the Manchester Airport Access Road for Raymond Wiczorek.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

May 18, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditation and prayer.

Good morning. Well, in John's Gospel, Jesus is quoted as saying: "I am come that they might have life and that they might have it more abundantly." So, what does it mean to have life more abundantly? Some might say that it means having an abundance of wealth or possessions or even an abundance of power or recognition or status. But, the abundant life that God offers us, whatever our religious background may be, is a life that has nothing to do with our bank account or the contents of our home or the car that we drive or even the position that we hold. Having life more abundantly means experiencing every aspect of our daily journey more fully, more deeply, more gratefully. It means having a sense of calm and an absence of fear and stress – does that sound good? Abundant life means rejoicing in simplicity, and finding beauty and meaning in the ordinary.

And, this is a prayer – some words from a prayer by the Reverend Virginia Going. Let us pray.

Let me live today. Let me be open to the miracle of this day. Let me breathe the best of today. Let me not miss the heart of today. Let me find the gift of today, hidden like a jewel in rubble of care, duty, and detail. Let me pause to hear the steady beat of the heart of God. Let me live this day aware, open, listening, breathing, alive. Amen.

Sen. De Blois led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. We are indeed privileged today to have a cadre of students from the Gossler Park Elementary School accompanied by their City Year volunteers, parents, and teachers. Gossler Park! Welcome. Stand up!

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you. I'd like to introduce Beau Patteson, one of our Senate Pages today. It's quite an honor to introduce him. He was in Cub Scouts with my son, Connor, for years and years and years and is still active in Boy Scouts. His father helped manage Fenton Groen's campaign, and his mother was very active in the Lyme disease bill, and Beau has been very active in politics: coming here to testify in support of – not testify, but be here for home school hearings and also for the

Lyme disease bills. And, he actually wants to go into politics, which is something, as a kid his age, I wanted nothing to do with. But, I know he'll be very successful if he decides to do that because he is incredibly charming, incredibly well-thought, and it's an honor to have him here. Thanks.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: It's my pleasure to introduce Liam Sigurdsson. Liam is from Rochester, and he is also home-schooled. His extracurricular activities that he enjoys are reading, church youth group, role-playing games, Lego robotics, soccer, and model-building, and his favorite book is *Profiles in Courage*. His favorite subject is math – a man after my own heart. And, he says: "In the future, I hope to be a mechanical engineer in the automotive industry." So, welcome Liam Sigurdsson as our Page for today.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

COMMITTEE REPORTS

COMMERCE

HB 133, relative to the minimum wage. Ought to Pass, Vote 4-1. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move that House Bill 133 Ought to Pass. This legislation will delete the state specific minimum wage language that we have in statute. Currently, the New Hampshire minimum wage of \$7.25 per hour is the same as the federal minimum wage. House Bill 133 will add New Hampshire to the list of 26 other states that have no state specific minimum wage and follow the federal minimum wage.

Please join the Commerce Committee and vote Ought to Pass on House Bill 133. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to HB 133. I'm still not sure what this bill is for, since, as was just indicated, New Hampshire's minimum wage is the same as the federal minimum wage.

As my colleagues surely know, the federal minimum wage is a floor, below which states may not fall. States are, however, able to raise the minimum wage higher. We did, in fact, raise the minimum wage higher than the federal floor previously, which I believe was the first time in approximately a decade that that had happened. New Hampshire is the only New England state that does not set its minimum wage higher than the federal rate. Why does New Hampshire want to race to this particular bottom by abolishing the state's minimum wage? The only reason that I can think of, or that I heard, is that it's sending a message. And, I think the message is the wrong one to be sending. I do not agree that low wages are part of the New Hampshire advantage; rather, I think the New Hampshire advantage is more about an educated, skilled workforce. To ensure that we continue to attract these workers, we should not be sending the message that New Hampshire's advantage will come at the expense of the working class. Thank you very much, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition to the motion. We're the Live Free or Die State;

we've always presented ourselves as being an independent-minded group of people here in this beloved State of New Hampshire. And, we take the lead many times, in many, many, many areas. Why aren't we continuing to maintain that lead and maintain our presence with regard to the minimum wage? We don't want to race to the bottom; we want to race to the top. A decent wage, decent benefits, are what constitutes a good, productive workforce. What's the thing that New Hampshire manifests? A good, productive workforce. We do this over and over again; that's why companies come here. Our unemployment rate is going down. Mister President, I heard you on NPR this morning – it was like a dream come true – a dream come true. Here we have our unemployment going down because we have a good wage and good benefits for all of our employees. That's the greatest thing since sliced bread! Senator Bradley, I know you loved it – I know you loved it; I could feel it. And, with that kind of publicity all over the state, what are we doing this for? We know that in the business arena, women get paid less than men; we want that to change in New Hampshire. We are the people that can make that happen. By decreasing minimum wage, you're not doing that. Mister President, I ask this body to vote "no" on this piece of legislation. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I would just remind my good friend from Manchester that the greatest thing since sliced bread, the reason that our unemployment rate is dropping to the 4.9 percent level and that we have added new jobs is because of our pro-business outlook in our state: our low tax rate, our efforts in this chamber to decrease the regulatory burden on our state's businesses. I think the reason why we are seeing businesses start the process of expanding is not because we have more regulations, but because we have less regulations, less taxes, and an outlook that is going to maintain that. That's why we have job growth in our state.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde. The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

HB 248, establishing a commission to study business regulations in New Hampshire. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

**Commerce
May 10, 2011
2011-1834s
05/04**

Amendment to HB 248

Amend RSA 359-K:1, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Identify potential reforms that could be made to regulations cited above, and develop legislation for the 2012 session to accomplish those reforms.

Amend RSA 359-K:1, II(c)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) One representative of the Lebanon-area Chamber of Commerce, appointed by that organization.

Amend RSA 359-K:1, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. The commission shall, following a public hearing, submit an interim report on or before October 31, 2011, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the house and senate clerks, and the state librarian.

IX. The commission shall submit a final report of its findings and any recommendations for proposed legislation to the parties listed in paragraph VIII on or before October 31, 2012.

Amend section 3 of the bill by replacing paragraph I with the following:

I. Section 2 of this act shall take effect October 31, 2012.

SENATOR SANBORN: Thank you, Mister President. I move that House Bill 248 Ought to Pass with Amendment. House Bill 248 as amended by the Committee establishes a commission to study business regulations in New Hampshire, the impact they have on potentially inhibiting employment growth and business expansion, and looking at the costs and benefits associated with the current regulatory environment.

SB 248 is materially different than Senate Bill 92, where 248 is specifically looking at the relationship, as my good friend Senator Bradley just mentioned, the relationship specifically between business and government and where we've reestablished the level of regulation that is impeding the further growth and success of our state. This commission will review New Hampshire's business-to-government regulatory environment to identify regulations which are excessive and contrary to economic growth. It will review New Hampshire's business oversight that falls under the umbrella of environmental and construction permitting regulations, and will identify potential reforms that could be made to regulations cited above and develop legislation for the 2011 session to accomplish those reforms.

There may be a floor amendment to potentially modify the makeup of the committee, of which that suggestion was discussed in detail in committee, and voted down. So, please join me and the Commerce Committee and vote Ought to Pass with Amendment on House Bill 248. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

Sen. Prescott, Dist. 23

May 13, 2011

2011-1914s

06/10

Floor Amendment to HB 248

Amend RSA 359-K:1, II(c) as inserted by section 1 of the bill by inserting after subparagraph (17) the following new subparagraphs:

(18) One representative of the building and construction trades, nominated by the president of the New Hampshire State Building and Construction Trades Council and appointed by the governor.

(19) One representative of labor, nominated by the president of the New Hampshire AFL-CIO and appointed by the governor.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: It would be awfully hard not to support a commission to study business regulations in the State of New Hampshire, and I certainly support it. But, there's a concern that I have, after further inspection, which is that two of the principle areas – in fact, I think there are subcommittees looking at these – are the construction and environmental issues and labor and workforce issues. But, surprisingly, there's not a representative from labor and workforce or construction housing on the commission, which is a fairly large commission of at least 17 enumerated groups. So, what I'm doing is offering an amendment to add two groups, Mister President: one representing the building and construction trades, the other representative of labor. And so, with this, the idea is – and, I might add that three out of the four groups that testified representing workers and labor said they were completely supportive of the idea behind the bill, but just wanted a seat at the table. This gives them a seat at the table, and what I hope will do will say if there's regulations that should be repealed or cut, great, but know that if you do that, X might happen. So, that rather than do that at the end of the process, we can do that throughout the process and at the beginning. Thank you very much, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I wanted everybody to know that I'm a cosponsor with Senator Houde on this amendment. I believe that a wise person would seek as much information from as many people as possible before making big decisions, especially when it comes to our State's responsibilities between government and business. And, I believe that it's very important that there's labor on this committee as well as the building trades, and that is why I helped sponsor this bill and look forward to the support of this Senate. Thank you very much.

(The Chair recognized Sen. Barnes for a question of Sen. Houde.)

SENATOR BARNES: Senator Houde, I'm looking at 19 on here: representative of labor. Is there some reason that the AFL-CIO was picked out to be the representative? There are other unions in this state, and I just wonder how you came up with that one.

SENATOR HOUDE: Thank you for the question, Senator Barnes.

SENATOR BARNES: You're welcome. I'd be more than happy to help you out.

SENATOR HOUDE: And, I'm actually delighted to have the opportunity to answer the question because of my omission in recognizing that Senator Prescott was a – his name is also on this amendment.

SENATOR BARNES: Oh, those things happen when you get older; you'll find that out more as you get older.

SENATOR HOUDE: If you'd like to suggest another representative of labor, I'd be more than receptive to that.

SENATOR BARNES: Well, my question was, why was that one picked rather than somebody else?

SENATOR HOUDE: They were at the hearing; that's why they were picked. And, I think they represent labor fairly well.

SENATOR BARNES: Okay. Thank you very much.

SENATOR HOUDE: Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Sanborn.)

SENATOR LARSEN: I'm wondering why, if you're having the oversight committee review labor and workforce regulations...At any worksite I'm aware of, there's both management and labor; the very people that are most aware of the effect on labor and issues would be those representing this amendment. So, I'm wondering – the building and construction trades and another member from labor. So, I'm wondering, why wouldn't you have them at the table? Why did you oppose this, and what's the logic behind that?

SENATOR SANBORN: Thank you very much for the question; I appreciate it. And, the logic is, this is a commission to specifically study regulations between businesses and government. And, if it develops into any legislation, the Committee felt strongly – with some noted exceptions – that there would be an opportunity, if legislation was presented in the next cycle, that at that point, anyone who had an interest in that legislation would be able to show up and testify. So, specifically looking at this commission, it's really about the process of how businesses are navigating state government in order to get their permitting done or follow the regulations. If they find certain areas where people feel the need to have legislation, that would be presented through normal channels, and then everyone would have that opportunity.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Sanborn.)

SENATOR LARSEN: My question, then, is without a seat at the table, I don't know many businesses that can – particularly in building and construction – that can operate without labor and folks who do the work. So, without them at the table, how do you have those voices at an early stage? You're allowing them to come in at the end when it's all been determined. So, their voice is lost. I don't understand why that is something you see as good.

SENATOR SANBORN: Again, thank you so much for the follow-up question; I appreciate it. I would tend to believe that the business owners in this state have a very strong understanding of how their businesses operate and what they need to make it happen, relative to both on a financial basis and on a human resource basis, because ultimately it is the business owners that are actually managing and running their companies and tend to be the highest authority in knowledge of what to do right and what to do wrong in this state.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. Stiles for a question of Sen. Sanborn.)

SENATOR STILES: Isn't it possible that the commission could invite management in to present to them during the process?

SENATOR SANBORN: Senator, that's a great question. And, as we know, whenever we have commissions that we establish here, the commission itself is empowered to bring anyone to the table that it feels is necessary or contributes to the discussion and the investigation that they so deem. So, if this commission truly wanted to bring anyone, including labor, they absolutely have that power to do so.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. Up in the gallery, we have a school group from the Mont Vernon school system, and that is located very much – should be in the President's District, but I didn't draw the lines. But, it's right next to Milford. But, Mont Vernon is also – I believe this school comes from where we do our voting, so that means I've visited your school before and spent many hours out in the cold waving at people. So, I'm glad to introduce the Mont Vernon School fourth-graders here today.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I rise in opposition to the amendment. This study committee was put together for the business community to review how it does business with government. And, I don't see a need to put special interests at the table at this point. What we're trying to do is look to the regulations that business is conducted and their relationship with government in a fresh, new, and unbiased way. Whatever comes out of this commission will be recommendations; there's no final determination that's going to be made at that point; it's suggestions for legislation. If it does get to that point where bills are introduced based on the information and the ideas from the study group, then special interests will have the opportunity to participate, and their comments. Of course, every study committee can bring the special interests in for questions, information, and suggestions from them. But, at this point, I would like to keep the study committee as free as possible from special interests other than the business community coming together to determine what kind of changes they'd like to see in our relationship with the government.

(The Chair recognized Sen. Houde for a question of Sen. De Blois.)

SENATOR HOUDE: Thank you, Senator. Question for you: At the hearing, was not the testimony of the prime sponsor that legislation would be put in as a place mark, and so this legislation wouldn't have recommendations made until much later than that anyway?

SENATOR DE BLOIS: It could be much later than that, yes.

SENATOR HOUDE: Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I think that everybody around here is a special interest. So, if you start eliminating special interests, these are going to be one-man or one-woman conferences, and they're going to be talking to themselves, okay? I want to make that perfectly clear: There isn't anybody who comes here who isn't representing a special interest. We have inundated ourselves with commissions. And, the big deal is: "I don't want to serve on that commission; I don't want to serve on that commission; I don't want to serve on that commission." Who's going to serve on that commission, right? We're going to do it invisibly. I think Lamont Cranston, "The Shadow", will be on all of these commissions. I say to all of you, how many commissions do we need? I've been here for almost 40 years. I served on my first commission in 1973; it was a commission to study the Corrections system! Guess what we're studying in 2011? The Corrections system! So, I think we should be very discrete about these commissions. Let's put commissions together that are needed. The business

and industry association is not bashful about telling us what they think should be done for business, Senator; my dear friend, Senator, by the way: Franco-American of the year – I want to congratulate Senator De Blois on that. And, he's representing his special interest, and I understand that. But, please, think of what we're here to do. And, believe me when I say commission after commission after commission, study after study after study, leaves little time to do the people's work. Thank you, Mister President.

(The Chair recognized Sen. White for a question of Sen. D'Allesandro.)

SENATOR WHITE: So, are you proposing that you just don't want to see this commission in any form, from your comments?

SENATOR D'ALLESANDRO: Yes.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I remind the caucus that when we look at who are the strong supporters of this commission, it actually includes the BIA, it actually includes the Chamber of Nashua, it includes the Concord Regional Chamber, it includes the Chamber up in Lebanon. The business community has been very vocal on this piece of legislation. And, again, specifically asked during our testimony if they felt the need to expand the participants sitting on the commission, and they felt it was good as it was, acknowledging the fact that if the commission members needed to bring other outside groups in in its investigation, it would do so. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you, Mister President. I am compelled to stand just in support of this amendment for a couple reasons of the discussion that I've heard here this morning. We talk about business and supporting business. My definition of "business" involves employers and employees. If you do not have an employer, you will not have a business, and if you do not have workers, you will not have a business; you certainly will not have a successful business. And, to have a commission that is going to discuss what regulations are helpful and will provide for successful businesses and you leave out half of the scenario, which are the workers, I do not see how you can come to any fruitful and successful decisions in this commission. It is just mindboggling. Thank you.

Sen. Barnes called the question. Without objection President Bragdon closed debate.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Houde, Groen, Odell, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forsythe, Sanborn, White, De Blois.

Yeas: 20 - Nays: 4

Adopted.

Sen. Merrill offered a floor amendment.

Sen. Merrill, Dist. 21
May 18, 2011
2011-2000s
05/10

Floor Amendment to HB 248

Amend RSA 359-K:1, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) The commissioner of the department of environmental services, or designee.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you very much. First, I want to say that I certainly agree with the comments of my good friend and neighbor, Senator D'Allesandro, about the need for discretion in setting up commissions. However, given that we have this commission before us, I have another suggestion about the makeup of that commission.

Having read through the bill, I see that the commission will be broken into two groups, or sub-commissions, and that one of them has the task of looking at environmental and permitting/construction issues, I believe. And, the suggestion that's in the amendment that's come around to you is to add the Commissioner of DES or designee. And, I make this suggestion based largely on my experience as a member of the Energy and Natural Resources Committee, where I believe the experience of our committee and of representatives of business who have come to our committee, particularly on permitting issues, has been that the representation from DES has been extremely helpful and cooperative. And, I believe that incorporating membership from DES would be the most efficient way for this commission to gather information about, in fact, the details or the facts of the statutes and regulations that currently exist. Since this is one of the charges of the commission, to look at those issues, I believe that it makes sense for somebody representing the expertise that we have at DES to be present as part of those discussions.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just rise in opposition to this amendment. As I opposed the last amendment, I won't reiterate what's pretty much been discussed. But, the same concept applies, that businesspeople know what they need in this commission; businesspeople asked for the makeup they asked for. I get really frustrated when I hear debate about businesses and what businesses need when I know I do meet a payroll every week – for the record, by the way, none of my employees make less than \$15 an hour, since we had a debate about minimum wage; that's the lowest paid person in my office. I wish we could get back to the focus of that this was a business bill brought by businesspeople for a business study, and I feel that we're impinging upon their ability to bring forth the idea factory that they envisioned by fettering it with other groups and interests that will have plenty of time to discuss what's proposed, if anything is proposed, during the legislative process, as has been outlined. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I simply rise in support of the amendment. Often-times the most frequent complaint heard from businesses is the processing of permitting, and so for the Department of Environmental Services to hear where those issues are and to be present in the discussion is only

adding to their knowledge base and perhaps their work product. So, I would say it's a good idea to include this; I don't believe that a commission with one added member truly will deter the work of the committee, and I oftentimes know that when you have everyone at the table you get more done than if you've left someone off and later on have to bring it back. So, this is a good amendment; I urge you to support it.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I also rise in support of this amendment. Being part of the regulatory industry – I'm a professional engineer and work with DES quite often; well, I should say, as little as possible – it is quite an ordeal sometimes to get permits accomplished through our state agencies. And, therefore, I believe that this person should be at the table; I think it would be a good aid to our business community. Thank you very much, Mister President. I ask that the full Senate agree with the amendment.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I rise in opposition to the amendment. We've missed some departments. More amendments need to be presented, like OSHA. The Department of Transportation needs to be there. Of course, the environmentalists are suggested to be here, now. I mean, this committee will be so overwhelming with so many groups at the table, there's not going to be anything to get done, because everyone's going to be there protecting their turf. All we're doing is sitting down to look at the regulations of how business relates to government and discuss how we can change those rules. We're not cutting anybody out; nobody is being left out. We're only getting to the table to say: "Gee, I have an idea, because my business is suffering from this regulation. What do you think about changing it?" And, if the committee says: "Yes, that's one of the recommendations that we agree that we should put into legislation," then everybody has an opportunity to address it. But, the larger you make this committee with special interests protecting their turf, the less we're going to get done. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Prescott.)

SENATOR BARNES: Senator Prescott, you've been up here before, gone through the process, and I have never seen a commission with 30 people on it before; maybe Senator D'Allesandro has. And, my question to you is, Senator Prescott, I'm sure we're going to pass this amendment. And, where do you suggest this commission meet? Do we have a room big enough for them to meet? Because, there might be some more amendments; as my good friend over here from Manchester has stated, he might have one coming in for the Department of Transportation, or the good Senator sitting next to him might want the Department of Transportation involved. So, where do we put these people, Senator Prescott? Do you have a place over there in Exeter we could put them?

SENATOR PRESCOTT: I have 50 seats in a seminar room at my facility, and I would talk to you about whether we would want them to meet there, Senator.

SENATOR BARNES: Thank you very much.

SENATOR PRESCOTT: Thank you very much.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Thank you everyone for the great discussion on this. And, I remind the Senators that this is a commission to bring together the business community to ask them what is impeding their ability to be successful in our state, what is holding them back from being able to hire people. And, I remind the Senators, we have tens of thousands of businesses in our state that are single-person businesses. And, I would suggest to you that they are just as successful as those with hundreds of employees.

We need to hear from the business community because the regulations that our government is imposing on them, they do know best if it's hampering their ability to live the American dream. They do know best if it's a regulation that actually is working, or maybe one that might need some sort of a subtle change to it. So, I ask my fellow Senators to please consider the intent of this legislation, which is about making better opportunities for our businesses and for employment opportunities. Thank you very much, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Bradley, Houde, Odell, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Gallus, Forrester, Forsythe, Groen, Sanborn, White, De Blois.

Yeas: 17 - Nays: 7

Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. Ought to Pass, Vote 4-1. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move that House Bill 589 Ought to Pass. This bill repeals written majority authorization or "card check" for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. House Bill 589 endorses the right of the public employees to have a secret ballot in a way which is done in all of our elections.

Please join the Commerce Committee and vote Ought to Pass on House Bill 589. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I realize that you're calling on me only because this will be the last time that I stand today and speak against a bill; I appreciate that.

It endorses one election method over another, Mister President. I might suggest that I oppose the repeal of majority authorization because the presence of two really provides freedom of choice for employees in the process used to determine certification of a bargaining agent. Employees may decide between majority authorization or ballot vote. Majority authorization is the only true test, in my opinion, of a majority, and is actually more democratic than the election process can be. For example,

with an election, a majority of 50 percent plus one of those voting not of the bargaining unit, while the majority authorization is 50 percent plus one of the bargaining unit. In a hypothetical case, workers petition to form a union in a workplace of 300, and if 240 vote in a ballot election, 121 would be needed to certify a bargaining unit. With a majority authorization, however, 151 would be needed to certify a bargaining unit.

Signed authorization cards are kept... There was concern raised about what happens to the cards. Signed authorization cards are kept by the public employee labor relations board, and they are strictly monitored and kept confidential from the union and the employer, and the employee, frankly, may revoke their signed card to the labor relations board. I might add, for those concerned about finances, that the majority authorization process is less expensive for the State than the ballot process certification.

Finally, New Hampshire has had the majority authorization law since 2007. Since then, there have never been any incidents of abuse or intimidation, and this legislation is a solution to a non-existing problem and takes away an important right of an employee. For those reasons, I'd urge your opposition to this bill. Thank you, Mister President.

(The Chair recognized Sen. Sanborn for a question of Sen. Houde.)

SENATOR SANBORN: Senator Houde, just trying to make the point to see if you would rise again, today. That's not my question. I'm asking the question if you support card check as a means for voting, will you then be putting an amendment in to suggest we should do card check for our state and national elections?

SENATOR HOUDE: I'm just taking one bill at a time. So, this is what I'm doing. Thank you very much for the question.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

HB 647, relative to withholding of wages. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

SENATOR DE BLOIS: Thank you, Mister President. I move that House Bill 647 Ought to Pass. This bill adds a category to the amounts that may be withheld from wages.

House Bill 647 will allow an employer and an employee to come together around a mutual agreement that will allow an employer to withhold wages. This could be done in a situation where an employee would like to purchase specific goods through the employer but would like to pay by having the cost of these goods withheld from their wages.

Please join the unanimous Commerce Committee and vote Ought to Pass on House Bill 647. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Forrester is in opposition to the motion of Ought to Pass on HB 647.

FINANCE

HB 187, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 187 Ought to Pass. This bill will increase the number of years the business enterprise tax – that's the BET – credit can be carried forward and used against the business profits tax – and that's the BPT – currently from five to ten years. This will offer businesses greater flexibility in using the BET credits they earn. In particular, this will be a benefit to startup companies, as it often takes several years before they turn a profit. Extending the carry forward period to ten years will give them the opportunity to use the credits they earn once they become profitable.

On average, approximately 3,600 taxpayers apply the BET credit against their BPT liability that was greater than the BET they were paying for that period, an average of \$15,888,900 a year! This amount represents the average amount of carry forward credit used annually over the last five fiscal years. House Bill 187 will improve the overall business climate in New Hampshire.

The Finance Committee unanimously asks you all to vote in favor of this wonderful piece of legislation. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sens. Forsythe and White are in favor of the motion of Ought to Pass on HB 187.

The Chair rescinded ordering HB 187 to Third Reading.

Sen. Morse moved to Lay on the Table HB 187. Adopted.

Sen. Sanborn is in opposition to the motion to Lay on the Table HB 187.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. Ought to Pass, Vote 6-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I'd just like to note that I wasn't sleeping. Thank you, Mister President. I move House Bill 461-FN Ought to Pass. The bill repeals the provision which allows group I and II members of the New Hampshire retirement system to purchase credit for out-of-state service. The New Hampshire retirement system does not anticipate incurring any additional administrative costs in implementing this bill. The system also predicts a decrease in state, county, and local expenditures in '14 and '15.

The Finance Committee asks for your support of the motion of Ought to Pass. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sens. D'Allesandro and Merrill are in opposition to the motion of Ought to Pass on HB 461-FN

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. Ought to Pass, Vote 6-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 557 Ought to Pass. This bill deals with the burden of proof with respect to the business profits tax deduction for reasonable compensation. Specifically, it shifts the burden of proof from the business owner to the Department of Revenue Administration to prove that someone is unreasonably compensating themselves. The bill replaces the Senate's version – Senate Bill 125 – and changes the effective date to upon passage. However, it leaves the applicability date of January 1, 2013.

The Finance Committee recommends that this legislation be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted.

Sens. Forsythe and White are in favor of the motion of Ought to Pass on HB 557-FN-A.

Sen. Morse moved to Lay on the Table HB 557-FN-A. Adopted.

Sen. Sanborn is in opposition to the motion to Lay on the Table HB 557-FN-A.

INTERNAL AFFAIRS

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. Ought to Pass with Amendment, Vote 5-0. Senator Larsen for the committee.

Internal Affairs

May 12, 2011

2011-1886s

04/10

Amendment to HB 390

Amend the title of the bill by replacing it with the following:

AN ACT relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

Amend the bill by replacing all after the enacting clause with the following:

1 Reinstated Boards, Commissions, Councils, Advisory Committees, and Task Forces. Pursuant to 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby reinstated:

- | | |
|-------------------|--|
| (1) RSA 5:42 | State Historical Records Advisory Board |
| (2) RSA 12-A:2-f | New Hampshire Economic Development Fund Review Committee |
| (3) RSA 12-A:9-c | Nash Stream Forest Citizens Committee |
| (4) RSA 12-A:29-b | Cannon Mountain Advisory Commission |
| (5) RSA 12-A:54 | Job Training Program for Economic Growth Grant Review Committee |
| (6) RSA 17-I:1 | Joint Legislative Historical Committee |
| (7) RSA 21-P:51 | Joint Legislative Oversight Committee on the Emergency Management System |

- (8) RSA 21-R:6 Information Technology Council
- (9) RSA 21-R:9 Joint Legislative Information Technology Oversight Committee
- (10) RSA 106-G:1 Advisory Committee on Breath Analyzer Machines
- (11) RSA 132:10-a Newborn Screening Advisory Committee
- (12) RSA 151-C:3 Health Services Planning and Review Board
- (13) RSA 153:2 State Advisory Board of Fire Control
- (14) RSA 153:16-c Advisory Committee on Heating System Certification
- (15) RSA 153-A:8 Trauma Medical Review Committee
- (16) RSA 171-A:19-a Committee for the Protection of Human Subjects
- (17) RSA 227-B Mount Washington Commission
- (18) RSA 227-D:4 Monadnock Advisory Commission
- (19) RSA 275-C:11 Committee on Architectural Barrier-Free Design
- (20) RSA 278:2 State Apprenticeship Advisory Council
- (21) RSA 330-A:4 Mental Health Board Advisory Committees

2 Repealed Boards, Commissions, Councils, Advisory Committees, and Task Forces. Notwithstanding 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby repealed effective December 31, 2011:

- (1) RSA 126:24-h Advisory Committee on Quality of Vital Records Information
- (2) RSA 126-I:3 Osteoporosis Advisory Council
- (3) RSA 169-C:39-d New Hampshire Children's Trust Fund Board
- (4) RSA 170-G:6 Advisory Board to the Department of Health and Human Services
- (5) RSA 186-C:21 Executive Planning Commission on Special Education
- (6) RSA 227-C:18-23 State Heritage Collections Committee

3 Services for Children, Youth, and Families; Appeals. Amend RSA 170-G:4-a, IV to read as follows:

IV. The appeal shall be heard under RSA 541-A:31-36 by the commissioner or his *or her* designee ~~[and 2 members from the advisory board established by RSA 170-G:6. The chairman of the advisory board shall appoint its 2 members]~~. No person hearing the appeal shall have had any involvement in establishing the rate or deciding on the certification that is the subject of the appeal, or be affiliated in any way with the appellant.

4 Special Education; Duties. Amend RSA 186-C:3-a, II(e)(1) to read as follows:

(1) If children with disabilities are being placed in out-of-district programs solely due to a lack of qualified personnel, the department shall develop and implement strategies ~~[in addition to the requirements of RSA 186-C:21]~~ to help address the shortage and increase the capacity of local education agencies to serve children in the schools they would attend if not disabled.

5 Repeal of the New Hampshire Children's Trust Fund Board. Notwithstanding the provisions of 2010, 195:3 and 2010, 195:4, the New Hampshire children's trust fund board established in RSA 169-C:39-d is hereby repealed in accordance with section 2 of this act.

6 Mental Health Practice; Organization and Meetings. Amend RSA 330-A:9, II to read as follows:

II. When a quorum is not available for just and timely resolution of a specific matter, former board members *or advisory committee members* may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter or when a particular profession cannot be represented in an adjudicatory hearing.

7 Mental Health Practice; Board Responsibilities. Amend RSA 330-A:10, XII-XIII to read as follows:

XII. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, *consistent with the standards established by the advisory committee for each of the licensed mental health disciplines*. All candidates for licensure shall be documented with the board.

XIII. Establishment of the scope of practice for each mental health discipline licensed under this chapter, *consistent with the standards established by the advisory committee for each of the licensed mental health disciplines*.

8 Mental Health Practice; Investigation and Complaints. Amend RSA 330-A:28, I-a to read as follows:

I-a. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee. If the chairperson of the board is recused the remaining board members shall elect an acting chairperson from among the board. The chairperson or acting chairperson shall appoint a former board member *or a member from the appropriate advisory committee* to replace the recused board member during the investigation and proceedings against the licensee. The replacement board member shall be from the same mental health discipline as the recused member.

9 Comprehensive Cancer Plan Fund. Amend the introductory paragraph in RSA 126-A:64, I to read as follows:

There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions of the New Hampshire comprehensive cancer plan as developed by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, with allocations determined by the ~~[comprehensive cancer plan oversight board]~~ *commissioner of the department of health and human services, in consultation with the New Hampshire Comprehensive Cancer Collaboration*:

10 Statement of Intent. The general court intends that the New Hampshire commission on the status of women, established in RSA 19-B:1-9 and administratively attached to the office of the secretary of state, shall be merged with a New Hampshire nonprofit corporation qualified by the Internal Revenue Code as a section 501(c)(3) entity, and that the name, operations, functions, and responsibilities of the commission on the status of women shall be transferred to a New Hampshire nonprofit corporation.

11 Historical Records. The state librarian shall take possession of the historical records of the New Hampshire commission on the status of women and shall archive such records as a single collection for public use as documentation of the history of advancement of women and girls in New Hampshire.

12 Repeal. The following are repealed:

I. RSA 19-B:1-9, relative to the commission on the status of women.

II. RSA 21-H:14-c, II(a)(15), relative to a member from the commission on the status of women serving on the interagency coordinating council for women offenders.

III. RSA 276-B:2, I(e), relative to a member from the commission on the status of women serving on the task force on work and family.

IV. RSA 169-C:39-b, I, relative to the definition of New Hampshire children's trust fund board.

13 Contingency. Section 11 and paragraphs I-III of section 12 of this act shall take effect on the date that the New Hampshire commission on the status of women certifies to the secretary of state and to the director of the office of legislative services that it has merged with a New Hampshire voluntary corporation qualified by the Internal Revenue Service as a section 501(c)(3) entity.

14 Comprehensive Cancer Plan Board and Fund. Amend 2007, 263:98 to read as follows:

263:98 Repeal. ~~[The following are repealed:~~

~~I. RSA 126-A:64, relative to the comprehensive cancer plan fund.~~

~~II.] RSA 126-A:65, relative to the comprehensive cancer plan oversight board, **is repealed.**~~

~~[III. RSA 6:12, I(b)(253), relative to the comprehensive cancer plan fund.]~~

15 Effective Date.

I. Section 11 and paragraphs I-III of section 12 of this act shall take effect as provided in section 13 of this act.

II. The remainder of this act shall take effect June 29, 2011.

2011-1886s

AMENDED ANALYSIS

This bill reinstates and repeals certain boards, commissions, councils, advisory committees, and task forces and is a request of the committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces established in 2009, 144:87, II.

The bill also repeals the New Hampshire commission on the status of women contingent on its merger with a New Hampshire nonprofit corporation qualified by the Internal Revenue Service as a section 501(c)(3) entity.

SENATOR LARSEN: Thank you, Mister President. I move that House Bill 390 Ought to Pass with Amendment. This bill reinstates and repeals certain boards, commissions, councils, advisory commissions, and task forces. This bill is a request of the committee that studied the list of non-regulatory boards, commissions, councils, advisory committees, and task forces, established in 2009. House Bill 390 includes their recommendations on which entities warrant continuation and repeals those that have completed their duties.

The Committee also amended the bill to reinstate the Mount Washington commission and to give the commission on the status of women a process to facilitate their transition out of state government and into a nonprofit entity, which will combine several women's initiatives under one umbrella organization.

The Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted. Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

May 17, 2011

2011-1970s

04/05

Floor Amendment to HB 390

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 Mount Washington Commission; Members. Amend RSA 227-B:3, II to read as follows:

II. One member from each of the following groups, *or a successor*, shall be appointed through the concurrence of their boards of directors: the Mount Washington Auto Road; the Mount Washington Observatory; [Mount Washington TV, Inc.] *Citadel Broadcasting Company*; and the Mount Washington Cog Railway.

SENATOR LARSEN: The floor amendment simply renames in statute the current occupant of the TV tower on the top of Mount Washington. Under state law currently, it's named as, I think, the Mount Washington TV Corporation, Inc. And, the new occupants and owners of that tower is the Citadel. So, this amendment corrects statute. And, that was the request of the commission and the request of the current owners of the television tower. So, I ask for your agreement to add this floor amendment to our mutually agreed upon committee amendment. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Executive Departments and Administration Committee.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Internal Affairs

May 12, 2011

2011-1887s

05/10

Amendment to HB 590

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to review state participation in federal grant-in-aid programs.

Amend the bill by deleting section 1 and renumbering the original sections 2-7 to read as 1-6, respectively.

2011-1887s

AMENDED ANALYSIS

This bill establishes a committee to review state participation in federal grant-in-aid programs.

Sen. Bradley moved to Lay on the Table HB 590. Adopted.

Sens. Forsythe and White are in opposition to the motion to Lay on the Table HB 590.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Internal Affairs

May 11, 2011

2011-1885s

05/04

Amendment to HCR 6

Amend the title of the resolution by replacing it with the following:

A RESOLUTION requiring Congress to reaffirm its adherence to the Constitution of the United States regarding international treaties.

Amend the resolution by replacing all after the title with the following:

Whereas, the Constitution of the United States makes no provision for the creation of new treaties among nations without the concurrence of two-thirds of those present and voting of the United States Senate (Article II, Section 2); and

Whereas, United States Senate approval of any treaty that assumes a power not delegated by the Constitution to the government of the United States of America as enumerated in Article I, Section 8 shall constitute an unlawful seizure of powers not delegated; and

Whereas, New Hampshire cannot be bound by any treaty that fails to meet the wording and intent of the Constitution and lacks the approval of two-thirds of the United States Senate; and

Whereas, the government of the United States of America has not been delegated either the right or the authority to surrender any of the sovereignty or independence of the state of New Hampshire to any foreign or supranational body; and

Whereas, all legislators have taken an oath to uphold and defend the Constitutions of New Hampshire and the United States according to the meaning understood and accepted by the people of the United States, at the time of adoption; and

Whereas, the Constitution of the United States as accepted by the people of New Hampshire requires and demands national federal protection of the sovereignty and independence of the state of New Hampshire; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the President and the Congress of the United States be required to reaffirm their allegiance to the constitution of the United States by severing all treaties that have not been subjected to constitutional authority and congressional oversight; the New Hampshire congressional delegation is urged to use diligence in all of its efforts and energies to prevent any further involvement of the government of the state of New Hampshire with treaties that have not been subjected to constitutional authority and congressional oversight; and

That the clerk of the house of representatives shall cause to be delivered signed copies of this resolution to the President of the United States of America, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New

Hampshire congressional delegation, urging them to give it wide dissemination amongst their bodies, so that they may be apprised of the sense of the citizens of New Hampshire in this matter.

2011-1885s

AMENDED ANALYSIS

This concurrent resolution requires Congress to reaffirm its adherence to the United States Constitution by severing all treaties that have not been subject to constitutional authority and congressional oversight and by ensuring that all future treaties comply with constitutional requirements.

Sen. Bradley moved to Lay on the Table HCR 6. Adopted.

Sens. Forrester, Forsythe, and White are in opposition to the motion to Lay on the Table HCR 6.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Internal Affairs

May 12, 2011

2011-1884s

05/04

Amendment to HCR 11

Amend the title of the bill by replacing it with the following:

A RESOLUTION urging the Congress of the United States to limit appropriations to the United Nations.

Amend the resolution by replacing all after the fourth clause with the following:

Whereas, the United States has been, and remains, the single largest financial contributor to the United Nations system, paying hundreds of millions of dollars each year that could be used to address many of the nation's challenges, including homelessness, education, law enforcement, poverty, a strong military, and the war against terrorism; now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court, acting on behalf of the citizens of New Hampshire, respectfully requests that the United States Congress limit appropriations to United Nations operations and programs to amounts no greater than those of the second largest financial contributor to the United Nations system; and

That the clerk of the house of representatives transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and the Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the New Hampshire congressional delegation, and to the news media of New Hampshire.

2011-1884s

AMENDED ANALYSIS

This house concurrent resolution urges Congress to limit appropriations to the United Nations system to amounts no greater than those of the second largest financial contributor to the organization.

Sen. Bradley moved to Lay on the Table HCR 11. Adopted.

Sens. Barnes, Forrester, Forsythe, and White are in opposition to the motion to Lay on the Table HCR 11.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. Inexpedient to Legislate, Vote 5-0. Senator Prescott for the committee.

Sen. Prescott moved to Lay on the Table HCR 12. Adopted.

JUDICIARY

HB 307, relative to the authority of the superintendent of a county correctional facility. Inexpedient to Legislate, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Inexpedient to Legislate on HB 307. This legislation sought to permit county correctional facility superintendents to recommend a prisoner for release in order to obtain employment, do community service, or serve the sentence under home confinement. This release would have been allowed if the superintendent determines that the person is appropriate for such release.

The Committee was concerned that uniform standards were not promulgated for consistent implementation across the state. As such, the Committee found no compelling reasons to make the requested change.

Therefore, the Judiciary Committee recommends the bill not be adopted. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: We didn't have the opportunity to discuss the previous bill, so I just wanted to briefly comment that the HCR bills, I think... I agree that it was good intent, but I don't think that it really is appropriate before this forum because those are federal issues. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

HB 258, eliminating certain unenforced election laws. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

SENATOR STILES: Thank you, Mister President. I move House Bill 258 Ought to Pass. This bill eliminates unenforced provisions in the election law relating to candidate filing fees and corporate campaign contributions.

The housekeeping measure removes from RSA 655 fees that were previously waived by Chapter 135 in 1998. The provision against corporate campaign contributions was found unconstitutional in the Kennedy v. Gardner case in 1999.

The Public and Municipal Affairs Committee recommends House Bill 258 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. Ought to Pass with Amendment, Vote 3-0. Senator Merrill for the committee.

Public and Municipal Affairs
May 11, 2011
2011-1855s
10/04

Amendment to HB 316

Amend the title of the bill by replacing it with the following:

AN ACT relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Section; Restoration of Involuntarily Merged Lots. Amend RSA 674 by inserting after section 39-a the following new section:

674:39-aa Restoration of Involuntarily Merged Lots.

I. In this section:

(a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.

(b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.

(c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their pre-merger status and all zoning and tax maps shall be updated to identify the pre-merger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

(a) The request is submitted to the governing body prior to December 31, 2016.

(b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their pre-merger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

2011-1855s

AMENDED ANALYSIS

This bill removes the penalty of loss of appeal for property owners who refuse to grant consent to assessing officials to inspect their property or who fail to file an inventory form.

This bill also permits the owner of involuntarily merged lots or parcels to have the lots restored to their premerger status.

SENATOR MERRILL: Thank you, Mister President. I move House Bill 316 Ought to Pass with Amendment. This bill removes the current penalty of loss of appeal for property owners who refuse to grant consent to assessing officials to inspect their property and who fail to file an inventory form.

The amendment, which had an additional hearing, permits the owner of involuntarily merged lots to apply to the local governing body to have the lots restored to their pre-merger status.

The Public and Municipal Affairs Committee recommends HB 316 be adopted as amended and asks for your support. Thank you, Mister President.

PRESIDENT BRAGDON: The Chair has ruled that the amendment is non-germane to the original bill.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. And, I wanted to thank Senator Barnes for his work on this and his patience with this bill for pulling the amendment forward.

Sen. Forsythe moved that Rule 3-7 be suspended to allow for the consideration of a non-germane amendment (1855s) to HB 316. Adopted by necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 341, relative to local spending caps. Ought to Pass, Vote 4-1. Senator Barnes for the committee.

Sen. Barnes moved to Lay on the Table HB 341. Adopted.

HB 382, relative to the maintenance of municipal public cemeteries. Re-refer to committee, Vote 5-0. Senator Merrill for the committee.

SENATOR MERRILL: Thank you, Mister President. I move that House Bill 382 be Re-referred to committee. This bill removes the requirement that municipalities maintain sufficient fencing and gates surrounding municipal public cemeteries. The sponsor believes such a decision should be left to the discretion of the city or town and its voters.

The Committee heard testimony that private, commercial, and public development and construction can pose a threat to the integrity of cemeteries, especially older cemeteries. In addition, the language of the bill as passed by the House could potentially conflict with existing court rulings regarding how cemetery funding can be spent.

The Public and Municipal Affairs Committee recommends House Bill 382 be Re-referred to committee for additional review and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 409, relative to planning board members. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

May 11, 2011

2011-1857s

03/04

Amendment to HB 409

Amend the bill by replacing all after the enacting clause with the following:

1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as follows:

I. In the case of towns, *any 2* appointed or elected members of the planning board may also serve *together* on any other municipal board or commission, [~~provided that such multiple membership does not result in 2~~] *except that no more than one member of the* planning board [~~members serving~~] *shall serve* on the [~~same~~] *conservation commission, the local governing body, or a local land use* board [~~or commission~~] *as defined in RSA 672:7.*

2 Effective Date. This act shall take effect 60 days after its passage.

2011-1857s

AMENDED ANALYSIS

This bill modifies the prohibition on town planning board members serving on other boards or commissions.

SENATOR STILES: Thank you, Mister President. I move House Bill 409 Ought to Pass with Amendment. This bill modifies the prohibition on town planning board members serving on other boards and commissions. It allows that two planning board members may serve together on other municipal boards and commissions. However, no more than one member of the planning board shall serve on the conservation commission, a local governing body, or a local land use board as defined in RSA 672:7 to eliminate the potential for any conflict of interest.

The Public and Municipal Affairs Committee recommends House Bill 409 be adopted as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

SENATOR BOUTIN: Thank you, Mister President. I rise to move House Bill 541 Ought to Pass. This bill clarifies the ability of the owner of real property whose property is placed in a grantor revocable trust to qualify for exemptions or tax credits.

The Public and Municipal Affairs Committee, having voted unanimously, recommends House Bill 541 be adopted and we ask for your unanimous support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Morse asserts Rule 2-15 on HB 541.

HB 585, proclaiming the third Friday in October as New Hampshire history day. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Public and Municipal Affairs

May 11, 2011

2011-1854s

04/05

Amendment to HB 585

Amend the title of the bill by replacing it with the following:

AN ACT proclaiming the third week of October as New Hampshire history week.

Amend the bill by replacing sections 1-2 with the following:

1 Findings. The general court finds that the commemoration of New Hampshire history is a public good that unites New Hampshire citizens in recognition of the important events, people, places, documents, and artifacts that form the distinctive character of the state; and that the preservation of New Hampshire's historical documents, artifacts, and buildings, as well as its historic areas and archaeological sites is necessary for such commemoration; and that New Hampshire historical societies, heritage commissions, preservation societies, museums, and libraries serve the public by collecting, preserving, and interpreting New Hampshire history; and that educating students and the general public in the importance of New Hampshire history and its preservation promotes civic life.

2 New Section; Observances Proclaimed by the Governor; New Hampshire History Week. Amend RSA 4 by inserting after section 13-o the following new section:

4:13-p New Hampshire History Week. The governor shall annually issue a proclamation calling for the proper observance of the third week of October as New Hampshire History Week and shall call on the citizens and schools of New Hampshire to observe the week with appropriate ceremonies and activities commemorating New Hampshire history and promoting its preservation.

2011-1854s

AMENDED ANALYSIS

This bill requires the governor to proclaim the third week of October as New Hampshire history week.

SENATOR BOUTIN: Thank you, Mister President. I rise to move House Bill 585 Ought to Pass with Amendment. This bill seeks an annual proclamation by the Governor calling for the proper observance of the third week of October as New Hampshire history week. Recognizing important events, people, places, documents, and artifacts helps to form and preserve the distinctive history and character of our state.

The Public and Municipal Affairs Committee recommends House Bill 585 be adopted as amended and we ask for your unanimous support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 588, relative to polling hours and location of polling places. Re-refer to committee, Vote 5-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 588 be Re-referred to committee. This bill requires cities and towns to notify the Secretary of State's Office of changes in polling hours and the location of polling places. The Secretary of State shall post the changes on the State website and may order extended hours of polling if the city or town fails to report the changes.

Concerns expressed during the public hearing included voters who may not have access to the State website or emergency situations which may arise. Committee members questioned whether or not voters would have enough time in such instances to learn of the changes.

The Public and Municipal Affairs Committee recommends House Bill 588 be Re-referred to committee for additional review and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I'd like to introduce the Jewett Street School from Manchester – all of the students. I'd like my colleagues to welcome them.

HB 594, relative to the application of procedures for discharge or suspension from county employment. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 594 Ought to Pass. This bill provides that the procedures for discharge or suspension from employment by county government shall not apply to per diem, on-call, seasonal, part-time, or infrequent employees.

The Committee members heard from county government personnel that the current process to suspend or dismiss these types of employees is cumbersome, lengthy, and costly for counties to administer. The bill seeks to remedy the current process.

The Public and Municipal Affairs Committee recommends House Bill 594 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official. Inexpedient to Legislate, Vote 5-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 603 Inexpedient to Legislate. Number one: The sponsor of this piece of legislation didn't show up. Number two: No one came in in favor of this piece of legislation, which made it kind of easy for the Committee. This bill prohibits public works projects and natural formations under control of the State from being named in honor of any living elected or formerly elected official.

During what testimony there was, committee members were reminded there are four public works projects currently named after four living ex-Governors. And, a little sidebar for you attorneys in the room: I think it's very appropriate for somebody who's still alive to get that honor, because I think once they pass – and if I were a gambler and if gambling was legal in this state – I would bet that those folks that had passed

would not ever have the opportunity to smile and say: "Gee, that bridge is named after me." Think of George Washington and the Washington Bridge in New York. Poor George never knew that bridge was named after him.

The Public and Municipal Affairs Committee recommends this bill be Inexpedient to Legislate. We're going to call the undertaker on this one, I hope.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

RESOLUTION 10

Sen. Bradley moved Introduction and Ought to Pass on SR 10, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

INTRODUCTION OF SENATE RESOLUTION 10

11-1100

SR 10, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes. (Barnes, Jr., Dist 17; Bradley, Dist 3; Carson, Dist 14; Groen, Dist 6; Rausch, Dist 19; Sanborn, Dist 7; Boutin, Dist 16; Forsythe, Dist 4; White, Dist 9; Prescott, Dist 23; Forrester, Dist 2; Luther, Dist 12; Bragdon, Dist 11; De Blois, Dist 18; Odell, Dist 8; Lambert, Dist 13; Morse, Dist 22; Gallus, Dist 1; Stiles, Dist 24; Larsen, Dist 15; Kelly, Dist 10; D'Allesandro, Dist 20; Merrill, Dist 21; Houde, Dist 5)

SENATOR BRADLEY: This resolution, which I believe all of us have sponsored or cosponsored, honors the members of our national military and the intelligence community who carried out the mission that led to the demise of Osama bin Laden.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: When I was flying out of Saudi Arabia, I got to stay in the Khobar Towers – that was back in, I think, 1992, '93. And, two weeks after I left there, the Khobar Towers were bombed and many servicemen lost their lives. There was also the USS Cole. So, although 9/11 was an attack on U.S. soil against civilians, I wanted to remind everyone that, for decades, our servicemen and women have been in harm's way by terrorists. And, I do support this resolution fully to honor them and just to remind people of all the service they've done over the decades in fighting against terrorism. Thank you.

Recess. Out of recess.

Recess. Out of recess.

The question is on the motion of Introduction and Ought to Pass on SR 10.

A roll call was requested by Sen. Barnes, seconded by Sen. Forsythe.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted.

INTRODUCTION OF HCR 27

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles.

Adopted.

First and Second Reading and Referral

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

Sen. Bradley moved to suspend all Rules necessary to allow the consideration of HCR 27.

SENATOR BRADLEY: HCR 27 is a resolution that is very similar, if not identical, to a resolution that passed on the floor of the United States Senate shortly after the demise of Mr. bin Laden. It's been introduced and voted on in the House and we ask for the suspension of the rules so that we can introduce this resolution honoring our military and our intelligence community with a rules suspension and pass it as our colleagues on the other side of the wall have.

Adopted by necessary 2/3 vote.

Sen. Bradley moved Ought to Pass.

A roll call was requested by Sen. Barnes, seconded by Sen. Forsythe.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, resolution ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

HB 133, relative to the minimum wage.

HB 248, establishing a commission to study business regulations in New Hampshire.

HB 258, eliminating certain unenforced election laws.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.

HB 409, relative to planning board members.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.

HB 585, proclaiming the third week of October as New Hampshire history week.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 594, relative to the application of procedures for discharge or suspension from county employment.

HB 647, relative to withholding of wages.

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Morse: HB 541.

ANNOUNCEMENTS

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. A Rule 2-17: personal privilege. I'd like to first recognize and salut Senator De Blois pour le honneur de Franco Américain.

And then I'd like to say in English, we've been speaking of honoring the living in previous bills, and I would like to rise to recognize one of our own, Senator D'Allesandro, who was presented this weekend with the honorable Walter R. Peterson Citizenship Leader Award. This apparently is the first time the award has been given, and it is to honor Walter Peterson's lifelong commitment to public service and higher education in the State of New Hampshire. And, they write that they're pleased to recognize Walter's generous dedication to public service and higher education leadership in the university leader of conscience tradition. And, they recognize the staunch supporter of Franklin Pierce; Governor Peterson continues to serve the University as President Emeritus, and we certainly wish him well. This award was presented at the annual commencement exercise this weekend, and is intended to acknowledge and honor an individual for his or her extraordinary commitment to public service, selfless contributions to higher education, sense of humor, and high moral character: all characteristics of the award's namesake. There was a medallion given to the recipient, and Senator D'Allesandro is certainly deserving of all these honors, and we again congratulate Senator D'Allesandro. Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: I'd like to rise – thank you very much, Mister President – on behalf of my son; he's graduating from UNH this Saturday. I know it's a great time of year to go to graduations. He's going to have a civil engineering degree this Saturday – very proud of him. Thank you very much, Mister President. His name is Rowen – R-O-W-E-N – Rowen Prescott. Thank you very much, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: I'm going to have to stand for the same. My son, Patrick, is graduating from St. Anselm's on Saturday, as well. He is the youngest of my four, and they are now all college graduates – or will be as of Saturday. And, he is graduating with a degree in business. And, I'm so proud of him, and that he played basketball all his way through college for Saint Anselm's and did very well. Thank you.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I'd like to make an announcement. The Franco-American Center has established itself on the campus of St. A's, and we're having a reception to publicly announce the affiliation. So, everyone is invited on May 25th, 6:00, for a reception to enjoy our affiliation that we worked so hard – it took us over two years to iron out the details to allow this to happen. So, if all can manage to put it on your agenda, we'd love to see you and participate in this great event. Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just wanted to, on the Senate floor, pay tribute to the State of Utah. As some of you know, I went out there this past week to look at their insurance exchange. I've got to tell you, they were gracious beyond belief; they gave me access to the Governor and Lieutenant Governor, Senators, so forth. Really good Midwestern values of hospitality; went above and beyond. If you saw some of the printed materials I brought back, a lot of work was put in. They hosted 30 states plus Puerto Rico taking a look at their innovative approach to insurance exchanges. And, I'm just really grateful to the way they treated me like a king, really, and I just want to pay tribute to them.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 20, relative to shoreland protection permits.

SB 30, relative to including a parent's residence in the parenting plan.

SB 32, relative to water withdrawals for snow making.

SB 36, relative to the permanent siting of the Hampton-Exeter District Court.

SB 38, relative to extensions for wetland and shoreland permits.

SB 47, extending the commission to study water infrastructure sustainability funding.

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine.

SB 96, relative to amending the charter of The Pinkerton Academy.

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

SB 111, relative to short sales of a homeowner's residence.

SB 121, relative to the application of the worker adjustment and retraining notification act.

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.

SB 179, relative to qualified purchasing alliances.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 30, relative to qualifications for licensure by the board of veterinary medicine.

HB 31, relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.

HB 47, relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

HB 175, relative to technical changes in life, accident, and health insurance.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 381, authorizing net metering for micro-combined heat and power systems.

HB 397, relative to image display devices in motor vehicles.

HB 419-FN, relative to language in insurance certificates.

HB 424, relative to surplus lines tax collection.

HB 544, relative to state authority over firearms and ammunition.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 524-FN, relative to the release of prisoners on probation or parole.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 27, relative to speed limitations for boats.

SB 109, establishing a committee to study the foreclosure process in New Hampshire.

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas.

May 6, 2011
2011-1789-EBA
05/03

Enrolled Bill Amendment to SB 81-FN

The Committee on Enrolled Bills to which was referred SB 81-FN

AN ACT relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 81-FN

This enrolled bill amendment makes a typographical correction.

Enrolled Bill Amendment to SB 81-FN

Amend section 1 of the bill by replacing line 1 with the following:

1 Executive Branch Organization; Powers and Duties of Commissioners; Authority for Transfer

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 10, 2011
2011-1827-EBA
06/09

Enrolled Bill Amendment to SB 147-FN

The Committee on Enrolled Bills to which was referred SB 147-FN

AN ACT relative to Medicaid managed care.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 147-FN

This enrolled bill amendment makes a technical correction to a federal citation.

Enrolled Bill Amendment to SB 147-FN

Amend RSA 126-A:5 as inserted by section 1 of the bill by replacing line 3 with the following:

throughout New Hampshire consistent with the provisions of 42 U.S.C. 1396u-2. Models for

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 9, 2011
2011-1804-EBA
04/09

Enrolled Bill Amendment to HB 44

The Committee on Enrolled Bills to which was referred HB 44

AN ACT designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 44

This enrolled bill amendment inserts a contingency provision to avoid a numbering conflict with HB 336 of the 2011 legislative session.

Enrolled Bill Amendment to HB 44

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingent Renumbering. If HB 336 of the 2011 legislative session becomes law, RSA 483:15, XVII as inserted by section 1 of this act shall be renumbered as RSA 483:15, XVIII.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 6, 2011
2011-1794-EBA
06/04

Enrolled Bill Amendment to HB 132

The Committee on Enrolled Bills to which was referred HB 132

AN ACT adopting and implementing the United States flag code.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 132

This enrolled bill amendment makes two technical corrections.

Enrolled Bill Amendment to HB 132

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 New Sections; Flag Code for New Hampshire. Amend RSA 3-E by inserting after section 1 the following new sections:

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 11, 2011
2011-1874-EBA
05/09

Enrolled Bill Amendment to HB 246

The Committee on Enrolled Bills to which was referred HB 246

AN ACT relative to prearranged funeral contracts or burial plans.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 246

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 246

Amend RSA 325:46-a, I(g)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) The purchaser has the right to make the contract revocable, and that the purchaser has the right to revoke a revocable prearranged funeral contract.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 11, 2011

2011-1861-EBA

09/10

Enrolled Bill Amendment to HB 262-FN

The Committee on Enrolled Bills to which was referred HB 262-FN

AN ACT relative to beverage manufacturers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 262-FN

This enrolled bill amendment changes the text of RSA 179:13, V as inserted by section 2 of the bill to reflect current law.

Enrolled Bill Amendment to HB 262-FN

Amend RSA 179:13, V as inserted by section 2 of the bill by replacing it with the following:

V. Each wholesale distributor, brew pub licensee, *nano brewery*, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, brew pub licensee, *nano brewery*, or beverage manufacturer. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, *nano brewery's*, or beverage manufacturer's notification, providing the requirements of this section have been met.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 10, 2011

2011-1820-EBA

04/03

Enrolled Bill Amendment to HB 284-FN

The Committee on Enrolled Bills to which was referred HB 284-FN

AN ACT relative to contact lens prescriptions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 284-FN

This enrolled bill amendment corrects a section to remove a duplicate word and makes a grammatical correction.

Enrolled Bill Amendment to HB 284-FN

Amend RSA 327:1, IV(e) as inserted by section 1 of the bill by replacing line 1 with the following:

(e) [The] Application, *prescribing*, or removal of Food and Drug Administration approved

Amend RSA 327:30, IV as inserted by section 3 of the bill by replacing line 2 with the following:

acting in violation of this chapter. The cease and desist order shall be enforceable in

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 12, 2011

2011-1899-EBA

04/01

Enrolled Bill Amendment to HB 339-FN-A

The Committee on Enrolled Bills to which was referred HB 339-FN-A
AN ACT allowing the state veterinarian to employ a meat inspection
services administrator and making an appropriation therefor.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 339-FN-A

This enrolled bill amendment makes grammatical and technical corrections to the bill.

Enrolled Bill Amendment to HB 339-FN-A

Amend RSA 427:2, VIII(i)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The common or usual name of the food, if there is any, and

Amend RSA 427:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Said inspectors shall mark, stamp, tag, or label as "New Hampshire Inspected and Passed" all such products found to be not adulterated.

Amend RSA 427:6, III as inserted by section 1 of the bill by replacing lines 1-2 with the following:

III. Said inspectors shall label, mark, stamp, or tag as "New Hampshire Inspected and Condemned" all such products found adulterated, and all such condemned meat food products shall

Amend the introductory paragraph in RSA 427:24 as inserted by section 6 of the bill by replacing line 7 with the following:

that such article or animal has been, or is intended to be, distributed in violation of this subdivision:

Amend RSA 6:12, I(b)(305) as inserted by section 8 of the bill by replacing it with the following:

(305) Moneys deposited in the meat inspection program fund established under RSA 427:32-b.

Amend section 11 of the bill by replacing paragraph VI with the following:
VI. RSA 428:4, relative to intrastate commercial control of poultry inspection.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 55, adding members to the exotic aquatic weeds and species committee.

HB 61, relative to daylight saving time.

HB 70, relative to changes to town charters.

HB 114, reinstating and expanding the duties of the joint legislative historical committee.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 155, relative to permits to conduct raffles.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act.

HB 216, relative to the instructional authority of school boards.

HB 278, setting the natural mean high water mark of Ossipee Lake.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 358, relative to the maintenance, repair, and preservation of burial grounds.

HB 401, relative to postsecondary training for workers with disabilities.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees.

HB 426, adding certain entities to the unused prescription drug program.

HB 431, relative to psychiatric evaluations.

HB 488, relative to criminal records checks for employment with child day care agencies.

HB 504, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

HB 521, relative to meeting dates for county conventions.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river.

HB 580, establishing a committee to study collective bargaining by public employees.

HB 629, relative to the uninsured health care database.

HB 651, allowing the sale and possession of monk parakeets.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. **Adopted.**

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

May 25, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

I've been thinking a lot about the royal wedding – not the William and Kate one, actually, but the Charles and Diana one. Back when they got engaged in the early '80s, they did a press conference; you might have seen it back then. It's on YouTube if you weren't around then; I wasn't even really watching it at the time. It's on YouTube. And, the person interviewing them in the press conference, at the end, he couldn't contain himself – even though he was British – he couldn't contain himself any more, and said: "You two must be in such love with each other!" And, if you remember seeing it, or have heard, Prince Charles' answer was – well, first of all, he was stunned, like the last thing someone would do is ask him about love in a press conference about his wedding. And he said: "I suppose so; whatever 'love' means."

The more I have been here with you, the more I have been in my own church, I have learned that to lead, to govern, to be policymakers, is an expression of love for the people that we lead and govern and do all of the things we do for. It is an expression of our love. And, I say that not just to have something to pass off in a sense of: "Yeah, yeah, I suppose so; whatever 'love' means." But rather, that our expression of love for the people of New Hampshire should be like the love of two spouses; it should be like the love that we have for our very own children. It shouldn't be an "I suppose so; whatever 'love' means." But the Scriptures, in Song of Solomon, describe love. And, it says that love is stronger, even, than death; it is more unyielding than the grave, and there is nothing that we should ever sacrifice that love for. Even if we give up that love for – as it goes on to say – if we give up that love even for the safety and security of our homes, we are most to be pitied. Will we love the people of New Hampshire that we are here to serve? Let us pray.

Heavenly Father, we ask You to fill our hearts with love for our spouses and for our families. Being filled with that love given from You, may we then be filled to do our jobs and to love, not just New Hampshire, but to be filled with Your love for the people of New Hampshire. Amen.

Sen. Rausch led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you very much, Mister President. I am pleased and honored to introduce to the Senate today two Pages from Senate District 14, particularly the Town of Hudson and from Alvirne High School.

First, we have Miss Heather Martin. She's 18; she's in the 12th grade, and her favorite school subject is English and her favorite book is *The Great Gatsby*. She is a very active young lady in school: She's in the treble choir; she donates blood to the Red Cross; she volunteers at the soup kitchen; and she is also a tutor for grades two through eight. And, she has big plans for the future; she hopes to go to college to learn marketing and business, and she's also working on options to enlist in the United States Air Force.

Mister President, I'm also pleased and proud to introduce Jason Perrin. He's 17; he's in the 12th grade. His favorite school subject is government, so he's going to have a lot of fun watching us today. His favorite book is *The Rebel*. And, again, here's another high school student who's very involved in school. He is in the Junior ROTC; he is a Cadet Major. He does mixed martial arts, and right now he is working on options for the Marine Corps, and in the future he wants to be a Marine. So, we have a young man who wants to serve our country.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Well, my guest is really out working; he's finishing his job with the State. But, our own Picasso, Tom Kennedy, is retiring after 26 years of service. "Picasso" has painted almost every building in the state, and I'm sure you've seen him down in the Hall of Flags painting; he's painted this particular area of the state. "Picasso" has been with us for 26 years doing nothing but great work. And, he's told me, Mister President, candidly of course, that up on the ceilings of some rooms, he has his initials inscribed. So, if any of you want to look for them, you can. But, Tom Kennedy is retiring after 26 years as our painter, and he got the Golden Paintbrush last week. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. Up in the gallery I have real longtime friends of mine: Bob and Jean Sutton; they're from the Manchester area, and they own a business, and they've just been friends of mine forever. So, I'd like to welcome them.

And then, I also brought my family; they're with me on the Senate floor here. There's Emily, my wife, and Justin, my little guy, and Randy, my large son – stand up there, Randall. And, I'm glad to have them.

PRESIDENT BRAGDON: And, we have a special guest this morning, as well, who will be addressing us. And, Senator D'Allesandro – I've asked if he would introduce our guest to us this morning.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. First, Mister President, I'd like to thank you for allowing this to happen. Our special guest this morning is a former Speaker of the House, former President of the Senate, former Under Secretary of Commerce, former Chief of Staff for Governor Walter Peterson, and a man whose presence in these halls has been noted with tremendous accomplishments. It was Stewart Lamprey who devised central data processing: an innovation during his time. It was Stewart Lamprey who wrote a critique of the legisla-

tive process and presented it for our affirmation in the 1970s. Stewart's a successful businessman; he's been an icon in the Republican Party. And, I'd say to you on many, many occasions, life is all about relationships; my relationship with Stewart goes back many, many years. I've learned so much from Stewart about how government works and what government's all about. We should be very proud and pleased to have the former Senate President address us: The Honorable Stewart Lamprey of Moultonborough.

STEWART LAMPREY: I kind of feel like I'm in a dream. And, that dream was 47 years ago when I bounded up this same rostrum – same desk, I believe it is. Same desks, same smiling faces – All Senators smile. And, it's been a pleasure to work with many of you. And, I would like to just take a minute to say thank you to your former President of the Senate, Sylvia Larsen. And, I don't see her – Oh yes; there she is today. She was the most gracious person, and she helped me tremendously, because I'm interested in clean water and she made it possible for me to work closely with people like Dick Drisko on milfoil – got the word in. And, it's been wonderful to work with her.

Of course, my friend, Lou D'Allesandro, goes back many, many years, as he said. The first time I ever met him was when he came into the Governor's Office. And, I had come out to the outer office and said to a fellow that he was fired, that he had misused his office and: "We want you out." And, Lou was sitting there, and I went in when I went back and I saw the Governor, I said: "Who's that guy with all the muscles?" "Oh, he's Lou D'Allesandro." And, I said: "Looks like an interesting guy." And so, that's how we met. And then, he gave me the opportunity in '07 to sit with him, and he asked me to look at a certain agency and see what I thought about it. I came back two days later and said I couldn't get my arms around that agency in two years, never mind this session of the Legislature. "Well, why don't you stick around and see what you can do about the process?" So, for ten weeks I had the pleasure of working with the Finance Committee. And, I'll say, again, Sylvia Larsen was a member of that committee, and she was a good member – great member.

And, Bob Odell – where's Bob Odell? Oh, there he is. The Man of Steel. Great questions; wants quick answers.

And, then there's Senator Forrester. Now, the last time that I met you, you offered me your gloves because you thought my hands were cold. I don't think that I need these any longer; so would you like to retrieve your gloves? Thank you.

So, okay. How is it that I'm here today? Because this has been a crusade of mine for more than 40 years – more than when I was Senate President; it goes back to a realization when I was in the last term as Speaker of the House that you weren't getting good information to make great decisions. And, I think that probably exists today, to some extent. And so, as there is a generational difference between you folks and me, I'd like to just briefly bring you through, up to the point of why I became interested in the processes of the Legislature.

I was a product of the Moultonborough schools; I was in the service from 1942 through '45. I ran for the House of Representatives when I was 25 and I stayed there for a long time. And, after my fifth term in the House, sitting on several committees, I became Speaker of the House. And, that was a wonderful position; I love both the House and the Senate, really. There are my two favorite rooms in the world: House and Senate. And,

during the last year that I was Speaker – and, I always was close to the budget – I found that we did not get very unbiased opinions in order to make decisions in the Legislature. And then, this may be hard to believe, but there's been no change in the process of how the Legislature functions relative to its budget in the last 80 years; that's almost as old as I am. A long time – long time. And, what brought my attention to the fact that the agencies only give you what you want to know – they very rarely expand on the missions that they're trying to sell to you. And, it was particularly true of the New Hampshire State Hospital, where I heard rumors that things were not always as they should be over there. So, I went into the State Hospital at 10:00 one Sunday night, and I came out at 4:00 in the morning. And, that was the most horrifying, degrading – I can't think of enough adjectives to add to that, but it was horrifying – what I saw and found over there. The stench was unbelievable; the place was dirty. It was awful. Now, I had been told that we had the best state hospital in New England, and knew that I was being taken down the road of misinformation. Well, there was a nurse over there: Mrs. Murphy. And, if I wanted to know something about that agency, I could call Mrs. Murphy, because she would give me the straight answers. And, that's when I knew that we needed more information.

Okay. I became President of the Senate. And, my first session here, I appointed myself as Chairman of the Finance Committee. So, that was a pretty powerful position. And, still, I was not satisfied. And, when people used to – legislators came to me and said: "What do you think we ought to do?" and I would say: "Where are you getting your information?" And, at that time, we got our information through the attorneys in the State of New Hampshire, because they were the people that wrote the bills; we didn't have anybody to write bills. And, Marion Alexander at the Attorney General's Office wrote most of the bills for the agencies.

So, it was this search for how can we improve our information process. So, I made the mistake of leaving my post here as President of the Senate and I went to Washington. And, boy, I'm going to tell you, that was the biggest mistake of my life. I spent more of your money foolishly than you can imagine. And, I had signoff authority for millions of dollars. And, it wasn't well spent, and I knew it. Walter Peterson asked me – I used to gripe at him, with him. And, he said: "How would you like to come up and run my office?" So, I jumped at the chance, even though it was less than half the pay I was getting in Washington.

But, while I was down there, I came upon a fellow from the budget office who monitored our programs. And, I found that he could ask me questions that were very hard to answer; that he was searching for information to report on how good our division was. It wasn't good when I got there and it wasn't good when I left, and I knew that. But, he was a brilliant guy.

So, when I came back here, I asked Governor Peterson if we could start the process of trying to improve upon the budgets through performance budgeting. Now, you look at this problem, that it's an 80-year-old problem. And, the three items that I would like to briefly touch upon is, one: performance budgeting; two: interagency agreements; three: dedicated funds. For the Finance Committee, this is all – this is just an introduction to where I want to go. But, the civic finance committee looks at the dollars very carefully, and LBA does a tremendous amount of work developing the information necessary to respond to the Governor's submission of a budget in February. The Finance Committee does a wonderful job in analyzing and bringing forth a budget based on dollars

and cents. Having observed in '07 in both the House and the Senate, I think there was very little understanding of whether or not agencies are performing in an excellent manner or whether they are running their agencies well, or whether, in some cases, they are operating in less than a satisfactory manner. After the House is finished their work on the budget, it comes to the Senate. There is approximately six weeks to determine how \$10 billion, 300 million are to be spent. The Senate then hands the responsibility to seven Senators to bring forth their recommendations to the full Senate. The Committee and LBA work together to bring in this product. But, it was all numbers, and all of the hours that I spent listening, I only heard the word "performance" once in the House and twice in the Senate. It means you're twice as good. I never heard in either the House or the Senate the word "accountability". I submit to you that performance and accountability of the agencies are an integral part of your responsibilities. Define what the agencies' desired performance is in measured units so the determination of an agency's performance could be made; desired outcomes today may differ from when the agency was originally created. I would propose to you that while you're studying dedicated funds that you look at performance budgeting at the same time. I would envision five to seven people who'd study the agencies' efficiency. Reward those that do well; accept the fact that an agency is performing in a satisfactory standard, and help those agencies, in your opinion, that are substandard – even in some cases dismantling and starting over again. And, in other cases, have them under the umbrella of a well-known agency, well-run agency. Again, I want to stress performance and accountability. This would also give the Finance Committee an opportunity to examine the agencies from a performance standard before you receive the budget. I would suggest some of these people would act as post-audit examiners. What good does it do to have excellent audits if the contents are never considered by the House or Senate? After all, the State Constitution reads: "The supreme legislative power," – that's a quote – "within this state shall be vested in the Senate and the House of Representatives." You've got the power. You don't use it as much as you should, but you've got it. Today, there's a great influence asserted by special interest groups through their highly organized lobbyists that have an undue effect on legislation. If you have good information, or could have an item researched and studied, I think you'd have less unintended consequences.

Interagency agreements. There's a method of agency management. Really, are these agreements between the agencies, in my opinion, considered when formulating the budget? And yet, they have a profound influence on how programs are administered. As far as I can see, there is no legislative input or oversight. I'm not against interagency agreements, as I think at times they may be necessary. But, boy, do they add to the bureaucracy. In every program there should be a lead agency that has the final say as to what should happen. For instance, I recently read in the newspapers that the drug programs are administered by a number of agencies. And, I'll bet it winds up being a situation where everybody goes their own way and no one coordinates the activities, even when interagency agreements exist. When there is a need for an interagency agreement, the Governor should name who the lead agency shall be, and that agency should make the final determination within a reasonable length of time. I don't know for sure, but I'll bet if you look at the alcohol programs, you would find a similar situation. I would recommend that interagency

agreements have a cap of five years, and at the end of the period, if they are not renewed through the legislative process, they go into the sunset. This would allow the Legislature to define the overriding public policy need where agencies become deadlocked over competing public goals.

John Edgar completed a report in 2008 that is the best overview I have ever seen of the entire budget process. Every Senator should take the opportunity to read it. I wanted to learn more about these interagency agreements, and I heard your then Finance Chairman, Senator D'Allesandro, ask a number of the agencies if they would furnish the interagency agreements. All of the agencies said: "Yes, sir; we can do that." But, to my knowledge, I don't know of any agency that sent over a single agreement. It is my observation that in the past there's been a number of bills entered into the legislative process looking at dedicated funds to finance their programs. Personally, I do not favor any dedicated funds. I think that every program should be examined to determine how much money is necessary to finance a specific program. Although I hate to say it, I don't think these funds are examined as thoroughly as those that require general fund revenues. Every agency, every program should have to stand on its own two feet, and its mission justified in relation to the monies available.

From an accounting standpoint, it must be a horrendous task to audit and report dedicated funds. There's a book out about that thick with all the dedicated funds in it. For instance, there has been \$100 million spent on easements, while at the same time, there has been only \$1 million spent on clean waters for ponds and lakes. You might include an examination of performance budgeting and interagency agreements.

We have a budget of \$10 billion, 300 million. I have come to the conclusion that we have come to the end of developing new ways of taxation and cannot find new revenues. There is an exception here, and I purposely left it out, and that is the word "gambling". It has pluses and it has minuses, but it's out there. If you keep increasing taxes on those already on the books, you may be endangering the very agencies you're trying to help. The results of taxing specific areas will, in all probability, decrease rather than increase revenues. The level of business taxes has reached a level, in my opinion, that is high as you can put them while still retaining the New Hampshire advantage.

If you think there is merit in the above, I would suggest a select committee of House and Senate, maybe one for performance budgeting and interagency agreements, and a separate one for dedicated funds. Bring in the Governor, if you can. After the '08 budget was put to bed, I sent the Governor a letter, and in it I wrote: "During our conversation last Friday, you asked me, 'What should I be doing?'" And, I never had a Governor ask me that before. Now I have a suggestion for a course of action relative to performance budgeting and a system of accountability suitable to fit both the Executive and the Legislative branches.

Now, that's it. I would welcome any questions that you might have. I offer you the opportunity to challenge us. But, before we do that, I'm a little bit remiss because I failed to acknowledge the fact that my beautiful wife is sitting in the background: Cynthia. And, there is Lynn Allen on her right; on her left is a doctor, a psychologist, that takes me wherever I want to go, and boy, do I owe you, Dan. And, he's the hero, because he was in service for 24 years; he practiced in the military. It's a wonderful record. And, my daughter was upstairs – oh, there she is. Thank you for coming. She's a 33-year product of working as a sociologist in the State of New Hampshire. So, that's my story. What do you think?

PRESIDENT BRAGDON: Thank you. I would like to thank President Lamprey; thank you very much. And, we will take your message to heart.

STEWART LAMPREY: Thank you. I love you all.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

COMMITTEE REPORTS

CAPITAL BUDGET

HB 25-FN-A, making appropriations for capital improvements. Ought to Pass with Amendment, Vote 6-0. Senator Boutin for the committee.

Capital Budget

May 16, 2011

2011-1942s

10/01

Amendment to HB 25-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General

A. Statewide Facilities Improvements	\$ 1,000,000
Less Federal Funds	<u>(750,000)</u>
Net state appropriation subparagraph A	250,000
B. Statewide Readiness Center Restoration and Modernization	2,500,000
Less Federal Funds	<u>(1,250,000)</u>
Net state appropriation subparagraph B	<u>1,250,000</u>
Total state appropriation paragraph I	\$1,500,000

II. Department of Administrative Services

A. Court Facilities

1. Rockingham Cty. Courthouse-Reseal Parking Lot/Drainage Repair	\$ 300,000
2. Milford-Site and Plan Design – Court Facilities	<u>50,000</u>
Total state appropriation subparagraph A	\$ 350,000

B. Facilities and Asset Management

1. Gov. Hugh Gallen SOP-Main Bldg FACP Replacement	\$355,000
2. Lakes Region Facility Campus Site Environmental Survey II *	300,000
3. Driveway/Parking and Walkway Paving Phase 2	575,000
4. Main Building Kitchen Roof Repair	500,000
5. Lakes Region Facility Campus Roof Repair-Multiple Bldgs.	300,000
6. Gov. Hugh Gallen SOP-Main Bldg-ADA Restrooms	425,000
7. Philbrook Center Renovation	<u>3,575,000</u>
Total state appropriation subparagraph B	\$6,030,000

C. Financial Data Management

1. Critical IT Infrastructure	\$1,500,000
2. Enterprise Resource Planning Phase II, Human Resources and Payroll Systems	<u>3,648,998</u>
Total state appropriation subparagraph C	\$5,148,998

D. General Services

1. All State Owned Facilities -Emergency Repairs	\$ 1,000,000
2. Statewide Energy Efficiency Improvements	500,000
3. Londergan Hall-New Roof	161,000
4. State House/LOB-Tunnel Elevettes	91,000
5. State House Capitol Dome Repair	1
6. Health and Human Services-Window Repairs	730,000
7. State House Annex-Window Repairs	355,000
Total state appropriation subparagraph D	<u>\$2,837,000</u>
Total state appropriation paragraph II	<u>\$14,365,999</u>

* The appropriation in subparagraph B, 2 shall not be expended, obligated, or encumbered without the prior approval of the capital budget overview committee.

III. Department of Corrections

A. Critical Safety and Building Maintenance and Repairs to Concord State Prison	<u>\$500,000</u>
Total state appropriation paragraph III	<u>\$500,000</u>

IV. Department of Education

A. Pre-Engineering Technology Career Pathway	\$100,000
B. Renovation of CTE Center – Pinkerton	7,875,000
C. Renovation of CTE Center – Laconia	<u>7,125,000</u>
Total state appropriation paragraph IV	<u>\$15,100,000</u>

V. Department of Employment Security

A. Renovation of Tobey Building and Construction of Parking Garage	\$22,500,000
Less Other Funds* (22,500,000)	
Net state appropriation subparagraph A	<u>0</u>
Total state appropriation paragraph V	<u>0</u>

* To provide funds for the appropriation made in subparagraph V, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes pursuant to subparagraph V, A shall be made from the contingent fund established in RSA 282-A:140. An amount equal to the proceeds derived from the sale of any of the department's currently owned real estate shall be applied to the bonds and notes issued pursuant to subparagraph V.

VI. Department of Environmental Services

A. Clean Water State Revolving Fund Loan Program	\$16,225,952
Less Other Funds*	<u>(16,225,952)</u>
Net state appropriation subparagraph A	0
B. Drinking Water State Revolving Fund State Match	<u>6,420,220</u>
Less Other Funds*	<u>(6,420,220)</u>
Net state appropriation subparagraph B	0
C. Dam Repairs and Reconstruction**	3,300,000
D. Great Bay Oil Spill Protection Strategy	545,000
Less Other Funds*	<u>(545,000)</u>
Net state appropriation subparagraph D	0
E. WRBP Infrastructure Capital Improvements	3,950,000
Less Other Funds*	<u>(3,950,000)</u>
Net state appropriation subparagraph E	0
F. Suncook River Infrastructure Protection Project	<u>1,035,000</u>
Total state appropriation subparagraph F	<u>\$1,035,000</u>
Total state appropriation paragraph VI	<u>\$4,335,000</u>

*To provide funds for the appropriations made in subparagraphs VI, A, B, D, and E the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$27,141,172 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

(a) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, A and B shall be made from the state water pollution control and drinking water revolving loan funds established in RSA 486:14.

(b) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, D shall be made from the oil pollution control fund established in RSA 146-A:11-a.

(c) Payments of principal and interest on the bonds issued under subparagraph VI, E shall be made from the special fund established in RSA 485-A:50, VI.

** The sums appropriated in subparagraph VI, C shall be for the following projects: Bunker Pond Dam, Buck Street Dam, Seaver Reservoir Dam, Northwood Lake Dam, Scotts Bog Dam, Mendums Pond Dam, Cass Pond Dam, Shehan Pond Dam, and Barnstead Parade Dam. The department is authorized to reallocate appropriated funds as necessary to address emergencies or alternate repairs or reconstruction needs at other dams if delays in other projects occur. The department of environmental services shall report quarterly to the capital budget overview committee relative to the status of dam repairs and reconstruction projects funded pursuant to subparagraph VI, C, and, in addition, such reporting shall include the status of any dam repairs, removal and reconstruction projects funded pursuant to 2007, 264:1, VII, F, as extended by 2009, 145:19, 43 and as extended by this act.

VII. Department of Health and Human Services

A. Fire Protection Sprinklers	\$1,125,000
B. Administration Building Fire Safety/ ADA Compliance	385,000
C. Nurse Call System	265,000
D. APS Repairs/Renovations-Roof, Windows and Curtain Wall	4,050,000
E. New Roof-Boiler House Building	103,000
F. New Roof-Campus Edge Building	110,000
G. Incremental Renewal of New HEIGHTS	7,500,000
Less Federal Funds	<u>(3,196,500)</u>
Net state appropriation subparagraph G	4,303,500
H. Electronic Health Record	335,000
I. Regional Assessments Database II (RAD II)	1,000,000
Less Federal Funds	<u>(400,000)</u>
Net state appropriation subparagraph I	600,000
J. Administrative Appeals Unit-Video Conferencing	268,800
Less Federal Funds	<u>(107,520)</u>
Net state appropriation subparagraph J	161,280
K. Warehousing Infrastructure/Inventory Management Proj.	2,000,000
Less Federal Funds	<u>(1,900,000)</u>
Net state appropriation subparagraph K	100,000
L. Replatform Option Application	722,200
Less Federal Funds	<u>(361,100)</u>
Net state appropriation subparagraph L	361,100
M. Handicap Access and Elevator (ADA) Administration Bldg	175,000

N. DPHS Radiochemistry Laboratory Improvements	50,000
O. Glencliff Window Replacement	390,000
P. Howard Recreation Building Renovations – Roof & Brickwork	480,000
Q. Transformation Initiative-ACCESS Front Door Release 2	15,000,000
Less Federal Funds	<u>(13,500,000)</u>
Net state appropriation subparagraph Q	1,500,000
Total state appropriation paragraph VII	\$14,493,880
VIII. Department of Information Technology	
A. Data Center Upgrade	\$1,606,500
B. Network Operations Infrastructure Upgrade and VOIP	4,851,953
C. Business One Stop Center	<u>2,081,984</u>
Total state appropriation paragraph VIII	\$8,540,437
IX. Judicial Branch	
A. Prisoner Video Conference	\$541,085
B. Call Center *	57,500
C. E-Court Initiative	<u>1,951,000</u>
Total state appropriation paragraph IX	\$2,549,585
* To the extent necessary, the department of information technology shall assign the highest priority to the completion of the judicial branch call center to ensure completion of the project by September 1, 2011.	
X. Liquor Commission	
A. Hooksett North and South Store Additions	\$8,400,000
Less Other Funds*	<u>(8,400,000)</u>
Net state appropriation subparagraph A	0
B. Portsmouth Store 38 Roof Replacement	115,000
Less Other Funds*	<u>(115,000)</u>
Net state appropriation subparagraph B	0
Total state appropriation paragraph X	0
*To provide funds for the appropriations made in subparagraph X, A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$8,515,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16. The appropriation in subparagraph X, A shall not be expended, obligated, or encumbered without the prior approval of the capital budget overview committee.	
XI. McAuliffe-Shepard Discovery Center	
A. Original Planetarium – Replace Existing Roofing and Seats	<u>\$149,000</u>
Total state appropriation paragraph XI	\$149,000
XII. Department of Resources and Economic Development	
A. Fire Tower Maintenance	\$170,000
B. State Park Repairs	1,361,500
C. Mt. Washington State Park-Sherman Adams Bldg. Concrete Repair	180,000
D. North Hampton State Beach Redevelopment	450,000
E. Hampton Beach North Seawall Repair	1,000,000
F. Cannon Upgrades/Snowmaking	500,000
Less Other Funds*	<u>(500,000)</u>
Net state appropriation subparagraph F	0
Total state appropriation paragraph XII	\$3,161,500

*To provide funds for the appropriations made in subparagraph XII, F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Cannon Mountain capital improvement fund established in RSA 12-A:29-c.

XIII. Department of Safety

A. E-911 Next Generation	\$3,702,000
Less Other Funds*	<u>(3,702,000)</u>
Net state appropriation subparagraph A	0
B. Suncook River Property Acquisition and Hazard Mitigation**	<u>2,000,000</u>
Total state appropriation paragraph XIII	<u>\$2,000,000</u>

*To provide funds for the appropriations made in subparagraph XIII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,702,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the enhanced 911 system fund established in RSA 106-H:9.

**The state funds authorized in subparagraph XIII, B for Suncook River property acquisition and hazard mitigation projects may be used by the department to match federal funds, including but not limited to, grants from the Federal Emergency Management Agency (FEMA).

XIV. Department of Transportation

A. 2.5 percent Match for Federal Aviation Administration Projects	\$28,816,866
Less Federal Funds	<u>(28,077,972)</u>
Net state appropriation subparagraph A	738,894
B. Transit Match: Bus Replacement	<u>183,500</u>
Total state appropriation paragraph XIV	<u>\$922,934</u>

XV. Veterans Home

A. Electronic Medical Records	\$840,000
Less Federal Funds	<u>(546,000)</u>
Net state appropriation subparagraph XV	<u>\$294,000</u>

XVI. Community College System of New Hampshire

A. Manchester Community College Student Center	\$6,000,000
Less Other Funds*	<u>(6,000,000)</u>
Net state appropriation subparagraph A	0
B. Career and Technical Building Projects	<u>18,815,000</u>
Total state appropriation paragraph XVI	<u>\$18,815,000</u>

*To provide funds for the appropriations made in subparagraph XVI, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

XVII. Fish and Game Department

A. Jones Pond Dam Repair/Reconstruction	\$450,000
Less Other Funds*	<u>(450,000)</u>
Total state appropriation paragraph XVII	\$0

*To provide funds for the appropriations made in subparagraph XVII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$450,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hamp-

shire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fisheries habitat management account established in RSA 214:1-g.

XVIII. Pease Development Authority, Division of Ports and Harbors

A. Hampton and Seabrook Harbors Dredging	\$1,379,310
Less Other Funds*	<u>(1,379,310)</u>
Net state appropriation subparagraph A	\$0
B. Hampton Harbor Marine Facility	\$1,500,000
Less Other Funds*	<u>(1,500,000)</u>
Net state appropriation subparagraph B	\$0
Total state appropriation paragraph XVIII	<u>\$0</u>

*To provide funds for the appropriations made in subparagraphs XVIII, A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,879,310 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42.

Total state appropriation section 1 \$86,726,795

2 Capital Appropriation; Highway Funds; Department of Administrative Services, Department of Safety, and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Administrative Services

A. Enterprise Resource Planning Phase 2

Highway Funds \$398,187

Total state appropriation paragraph I \$398,187

II. Department of Safety

A. Standby Generator Replacement

Hayes Bldg (33 Hazen Dr.)

\$775,000

Total state appropriation paragraph II

\$775,000

III. Department of Transportation

A. Underground Fuel Tank Replacement-Statewide \$2,000,000

B. Statewide Radio Communication Replacement 1,240,000

C. Statewide Salt Sheds 1,100,000

D. New Patrol Shed and Salt Storage PS514 Salem 3,330,000

E. TMC Equipment Room Upgrade to Data Center 580,000

Total state appropriation paragraph III \$8,250,000

Total state appropriation section 2

\$9,423,187

3 Expenditures; General. The appropriation made for the purposes mentioned in sections 1 and 2 of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation or the commissioner of administrative services, as appropriate, with the approval of governor and council.

5 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum

of \$96,149,982 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund \$86,726,795 and highway funds \$9,423,187; with other funds \$71,687,482.

6 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 shall be made from the highway fund.

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 5 of this act shall be reduced by the same amount.

8 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by Governor and Council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

9 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 5 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

10 Bureau of Public Works Design and Construction Inspection Services; Davis-Bacon Act Compliance. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services and Davis-Bacon Act Compliance services for projects utilizing federal funds, for those projects included in this act

11 Reports Required; Status of Projects; Department of Corrections.

I. The department of corrections shall report to the capital budget overview committee, in writing, within 60 days of the effective date of this section relative to the status of projects pursuant to the appropriations made to the department of corrections, all of which are extended by this act, in 2009, 145:1, IV, D, for admin. east wing-upgrade electric wiring; 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, and as

extended by 2009, 145:19, 22, for electronic security upgrades-men's prison; 2007, 264:1, V, A, as extended by 2009, 145:19, 23, for electronic security upgrades-men's prison; and 2007, 264:1, V, G, as extended by 2009, 145:19, 25, for residential treatment unit, phase 1-Concord.

II. The department of corrections shall submit a plan for the project funded in 2009, 145:1, IV, A, for women's prison and transitional housing site/design, as extended by this act, to the capital budget overview committee for approval, and shall provide an update on the status of said project to the committee, within 60 days of the effective date of this section relative to this appropriation.

12 Reporting Required; State Park Projects; Department of Resources and Economic Development. The department of resources and economic development shall report quarterly, in writing, to the capital budget overview committee, relative to all recently completed, current, and planned state park repairs and deferred maintenance projects.

13 Community College System; Plan and Updates; Critical Maintenance. The community college system of New Hampshire shall provide a plan and quarterly updates to the capital budget overview committee relative to critical maintenance funded pursuant to 2009, 145:1, III, A.

14 Project Appropriation Transferred; Department of Administrative Services. The appropriation made to the department of corrections in 2009, 145:1, IV, E for stormwater/sewer system-EPA order #05-13 project, as extended by this act, is hereby transferred to the department of administrative services. The department of administrative services shall have authority to expend funds from the appropriation and shall assume the responsibility for the project funded by said appropriation.

15 Project Appropriation Amended. Department of Safety; New Hampshire State Police Narcotics and Investigations Unit. Amend 2003, 240:3, I, D to read as follows:

D. [Finish Troop D First Floor] State Police Narcotics and Investigations Unit	589,000
Less Other	- 111,910
Net state appropriation subparagraph D	<u>477,090</u>

16 Capital Appropriation Match; Department of Transportation. Amend 2007, 264:1, XIV, C to read as follows:

C. Rail - Match*	500,000
------------------	---------

*The state funds authorized for rail match ***may be used by the state to match federal planning funds or as a local match and, if used as a local match,*** shall not be expended until the local match is acquired.

17 Project Funding Amended; Veterans' Home. Amend 2009, 145:1, XIII to read as follows:

XIII. Veterans' Home.

A. Life Safety Infrastructure Upgrades	[\$7,200,000] \$6,800,000
Less Federal	[-4,680,000] -4,420,000
Net state appropriation subparagraph A	[2,520,000] 2,380,000
B. Master Plan	100,000
C. Central Shipping and Receiving/ Multi-purpose Center*	[1,000,000] 1,400,000
Less Federal	[-650,000] -910,000
Net state appropriation subparagraph C	[350,000] 490,000
Total state appropriation paragraph XIII	\$2,970,000

18 Capital Appropriation; Liquor Commission. Amend 2009, 145:1, VIII to read as follows:

VIII. Liquor Commission.*

A. Hampton North Roof Replacement	\$220,000
B. Build Liquor Store – Nashua	[4,800,000] 4,423,000
C. <i>New Manchester Airport Store</i>	80,000
D. <i>Relocate Portsmouth Store</i>	148,000
E. <i>Remodel North Hampton Store</i>	149,000

Total state appropriation paragraph VIII **\$5,020,000**

* If HB 1-A and/or HB 2-FN-A-LOCAL of the 2009 legislative session become law and contain provisions to dedicate liquor commission revenues to a liquor commission fund, then the state appropriation to the liquor commission for the projects authorized in this paragraph shall be reduced to \$0. Upon such reduction, to provide funds for the appropriations made in subparagraphs A [~~and B~~] **through E**, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$5,020,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the said liquor commission fund. ***The appropriations made in subparagraphs VIII, B, C, D, and E shall lapse on July 1, 2012.***

19 University System of New Hampshire; Report and Future Appropriation.

I. The Knowledge Economy Education Plan (KEEP NH) was a highly successful program that resulted in renovation and expansion of science, engineering, and technology facilities across the University System of New Hampshire, plus other important infrastructure improvements. The USNH is hereby directed to provide a report outlining the capital appropriation funding needed to support an initial allotment to KEEP-UP, the successor program to KEEP, that will address ongoing deferred maintenance for the biennium ending June 30, 2019.

II. The KEEP-UP report described in paragraph I shall be filed no later than October 1, 2011 with the governor, speaker of the house of representatives, senate president, chairperson of the house public works and highways committee, and chairperson of the senate capital budget committee.

20 Reports Required; Hooksett Projects. The liquor commission and the department of transportation shall work in conjunction to provide quarterly reports to the capital budget overview committee on the status and progress of the liquor commission's Hooksett north and south store additions under subparagraph X, A of section 1 of this act, and the department of transportation's Hooksett service area development project.

21 Appropriation Amended; 2009; Department of Safety. Amend 2009, 145:2, I to read as follows:

I. Department of Safety.

A. DMV VISION Project Continuation	8,305,000
B. Dover Point DMV Substation	[465,000] 580,000

Total state appropriation paragraph I [~~\$8,770,000~~] **\$8,885,000**

22 Total Adjusted; 2009; Highway Funded Projects. Amend 2009, 145:2, total state appropriation section 2 to read as follows:

Total state appropriation section 2 [~~\$14,105,000~~] **\$14,220,000**

23 Total Adjusted; 2009; Bonds Authorized. Amend 2009, 145:6 to read as follows:

145:6 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$132,904,374~~] **\$133,019,374** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

24 Appropriation Amended; 2005; Department of Safety. Amend 2005, 259:4, I, A to read as follows:

A. Enhanced Road Toll System ~~[\$1,500,000]~~ **\$1,385,000**

25 Total Adjusted; 2005; Department of Safety; Highway Funded Projects. Amend 2005, 259:4, I, total state appropriation paragraph I to read as follows:

Total state appropriation paragraph I ~~[\$3,378,000]~~ **\$3,263,000**

26 Total Adjusted; 2005; Highway Funded Projects. Amend 2009, 259:4, total state appropriation section 4 to read as follows:

Total state appropriation section 4 ~~[\$12,383,000]~~ **\$12,268,000**

27 Total Adjusted; 2005; Bonds Authorized. Amend 2005, 259:8, I, as amended by 2007, 264:18, to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$96,402,207]~~ **\$96,287,207** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

28 Lapse Dates Extended to June 30, 2013. The following appropriations are hereby extended to June 30, 2013:

1. The appropriation made to the adjutant general in 2009, 145:1, I, A for statewide-fire alarm and life safety upgrades.

2. The appropriation made to the adjutant general in 2009, 145:1, I, B, for D and E storage buildings, additional power and lighting.

3. The appropriation made to the adjutant general in 2009, 145:1, I, C, for armory-roof materials and systems replacements.

4. The appropriation made to the adjutant general in 2009, 145:1, I, D, for NHARNG-training site water and sewer.

5. The appropriation made to the adjutant general in 2009, 145:1, I, E, for Manchester-underground storage tank repairs.

6. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, and as amended by 2006, 272:2, A, as extended by 2007, 264:29, II, as extended by 2009, 145:19, 1, for armory renovations.

7. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V, as extended by 2007, 264:29, III, as extended by 2009, 145:19, 2, for joint service training facility design.

8. The appropriation made to the adjutant general in 2007, 264:1, I, A, as extended by 2009, 145:19, 4, for armory-roofing projects.

9. The appropriation made to the adjutant general in 2007, 264:1, I, B, as extended by 2009, 145:19, 5, for armory-statewide auxiliary power.

10. The appropriation made to the adjutant general in 2007, 264:1, I, C, for armory-alarm fire systems.

11. The appropriation made to the adjutant general in 2007, 264:1, I, F, for regional training institute construction.

12. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:1, II, A, 1, for Hillsborough County north-asbestos abatement.

13. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:1, II, A, 2, for master plan for the courts.

14. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 1, for Johnson hall renovations/repairs.

15. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 2, for LOB-critical maintenance.

16. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 4, for Johnson hall-new roof.

17. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 5, for state library-repoint brick, internal repairs.

18. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 8, for 4 state buildings-cafeteria fire systems.

19. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 1, for Bow Brook Pond dredging and dam stoplog.

20. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 2, for Dolloff building drainage improvements.

21. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 3, for main building bakery roof repair.

22. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 4, for Hugh Gallen office park parking.

23. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 5, for Hugh Gallen office park main building Rumford egress stair and interior stairwell.

24. The appropriation made to the department of administrative services in 2009, 145:1, II, E, 1, for state owned facilities energy and lighting improvements.

25. The appropriation made to the department of administrative services, in 2009, 145:1, II, E, 3, for ERP-information technology phase II.

26. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:15, II, B, for northern Carroll County-new roof.

27. The appropriation made to the department of administrative services, in 2009, 145:16, II, A, for supreme court parking lot.

28. The appropriation made to the department of administrative services, in 2009, 145:16, II, B, for supreme court ADA access.

29. The appropriation made to the department of administrative services, in 2009, 145:16, II, D, for state house ice stop system.

30. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by section 14 of 2007 as extended by 2007, 264:29, IX, as extended by 2009, 145:19, 12, for Cheshire and Merrimack County courthouse design.

31. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI, as extended by 2007, 264:29, XIX, as extended by 2009, 145:19, 13, for enterprise resource planning.

32. The appropriation made to the department of administrative services in 2006, 258:16, I, as extended by 2007, 264:29, XXI, as extended by 2009, 145:19, 14, for quality assurance evaluation, monitoring and reporting related to the implementation of the ERP system.

33. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 2, as extended by 2009, 145:19, 17, for state house, state library and LOB maintenance and repointing

34. The appropriation made to the community college system in 2009, 145:1, III, A, for critical maintenance.

35. The appropriation made to the community college system in 2009, 145:1, III, E, for health science and tech building, Nashua.

36. The appropriation made to the department of corrections in 2009, 145:1, IV, A, for women's prison and transitional housing site/design.

37. The appropriation made to the department of corrections in 2009, 145:1, IV, B, for MSU, dorms, CCU, SPU, MCS, MCN, repair bathrooms.

38. The appropriation made to the department of corrections in 2009, 145:1, IV, C, for residential treatment unit phase 2.

39. The appropriation made to the department of corrections in 2009, 145:1, IV, D, for admin east wing-upgrade electric wiring.

40. The appropriation made to the department of corrections in 2009, 145:1, IV, E, for MSU and admin buildings-replace sprinkler system.

41. The appropriation made to the department of corrections in 2009, 145:1, IV, F, and transferred to the department of administrative services by section 14 of this act, for stormwater/sewer system-EPA order #05-13.

42. The appropriation made to the department of corrections in 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, as extended by 2009, 145:19, 22, for electronic security upgrades-men's prison.

43. The appropriation made to the department of corrections in 2007, 264:1, V, A, as extended by 2009, 145:19, 23, for electronic security upgrades-men's prison.

44. The appropriation made to the department of corrections in 2007, 264:1, V, C, as extended by 2009, 145:19, 24, for structural wall and beam repair-men's prison.

45. The appropriation made to the department of corrections in 2007, 264:1, V, G, as extended by 2009, 145:19, 25, for residential treatment unit, phase 1-Concord.

46. The appropriation made to the department of education in 2009, 145:1, V, A, for pre-engineering technology.

47. The appropriation made to the department of education in 2009, 145:1, V, B, for regional career and technical education-Wolfeboro.

48. The appropriation made to the department of education in 2009, 145:1, V, C, for regional career and technical education center.

49. The appropriation made to the department of education in 2007, 264:1, VI, B, as extended by 2009, 145:19, 29, for renovation regional career and tech ed center-Manchester.

50. The appropriation made to the department of environmental services in 2009, 145:1, VI, A, for WRBP wastewater treatment plant improvements.

51. The appropriation made to the department of environmental services in 2009, 145:1, VI, B, for drinking water SRF matching funds.

52. The appropriation made to the department of environmental services in 2009, 29:4, I, for renovation and repair, Dorrs pond dam, Manchester.

53. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXVIII, as extended by 2007, 264:29, XXXVII, as extended by 2009, 145:19, 31, for hazardous waste superfund match.

54. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, as extended by 2007, 264:29, XXXVIII, as extended by 2009, 145:19, 33, for dam repairs, removal and reconstruction.

55. The appropriation made to the department of environmental services in 2005, 259:1, VI, BI, as extended by 2007, 264:29, XXXIX, as extended by 2009, 145:19, 34, for drinking water SRF matching funds.

56. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, as extended by 2007, 264:29, XL, as extended by 2009, 145:19, 35, for wastewater SRF matching funds.

57. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, as extended by 2007, 264:29, XLI, as extended by 2009, 145:19, 36, for bedrock aquifer monitoring.

58. The appropriation made to the department of environmental services in 2007, 264:1, VII, A, as extended by 2009, 145:19, 38, for the drinking water state revolving fund matching funds.

59. The appropriation made to the department of environmental services in 2007, 264:1, VII, B, as extended by 2009, 145:19, 39, for the wastewater state revolving fund matching funds.

60. The appropriation made to the department of environmental services in 2007, 264:1, VII, C, as extended by 2009, 145:19, 40, for the hazardous waste superfund match.

61. The appropriation made to the department of environmental services in 2007, 264:1, VII, F, as extended by 2009, 145:19, 43, for dam repairs, removal and reconstruction.

62. The appropriation made to the department of environmental services in 2007, 264:1, VII, G, as extended by 2009, 145:19, 44, for Gorham office repairs and renovations.

63. The appropriation made to the fish and game department in 2009, 145:3, III, for point of service for registration.

64. The appropriation made to the fish and game department in 2005, 259:3, II, as extended by 2007, 264:29, XLVI, as extended by 2009, 145:19, 45, for hatchery system modernization.

65. The appropriation made to the department of health and human services in 2009, 145:1, VII, B, for incremental renewal of HEIGHTS phase II.

66. The appropriation made to the department of health and human services in 2009, 145:17, IV, B, for above ground oil storage compliance.

67. The appropriation made to the department of health and human services in 2009, 145:17, IV, C, for strategic plan for legacy systems, 50-50 federal match.

68. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, as extended by 2007, 264:29, LIV, as extended by 2009, 145:19, 48, for state office park south – electrical system upgrade.

69. The appropriation made to the department of health and human services in 2007, 264:1, IX, E, as extended by 2009, 145:19, 52, as amended by 2009, 145:18, as extended by 2009, 145:19, 50, for Glencliff-Brown building patient room floor abatement, tunnel repair admin building roof replacement.

70. The appropriation made to the liquor commission in 2009, 145:1, VIII, A, for Hampton north roof replacement.

71. The appropriation made to the McAuliffe-Shepard discovery center in 2007, 264:1, IV, L, as extended by 2009, 145:19, 20, for Christa McAuliffe planetarium-Alan Shepard memorial wing.

72. The appropriation made to the McAuliffe-Shepard discovery center in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, as extended by 2007, 264:21, as extended by 2007, 264:29, XXII, as extended by 2009, 145:19, 21, for Christa McAuliffe planetarium-Alan Shepard memorial wing.

73. The appropriation made to the Pease development authority by 2007, 264:1, XII, A, as amended by 2008, 5:1, as extended by 2009, 145:19, 53, for Market street marine terminal pier.

74. The appropriation made to the Pease development authority by 2007, 264:1, XII, B, as amended by 2008, 5:1, as extended by 2009, 145:19, 54, for Rye harbor commercial fish pier.

75. The appropriation made to the department of resources and economic development in 2009, 145:1, X, A, for statewide roof and park repairs.

76. The appropriation made to the department of resources and economic development in 2009, 145:1, X, B, for Mount Washington tip top house repairs.

77. The appropriation made to the department of resources and economic development in 2009, 145:1, X, C, for Mittersill expansion.

78. The appropriation made to the department of resources and economic development in 2009, 145:1, X, D, for Hampton seashell and 2 bathhouses.

79. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII, as extended by 2007, 264:29, LXII, as extended by 2009, 145:19, 55, for Mount Washington electrification.

80. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, as extended by 2007, 264:29, LXIII, as extended by 2009, 145:19, 56, for Mount Washington electrification.

81. The appropriation made to the department of resources and economic development in 2007, 264:1, XIII, F, as extended by 2009, 145:19, 57, for statewide radio system.

82. The appropriation made to the department of revenue administration in 2009, 145:1, XI, A, for tax system 2010.

83. The appropriation made to the department of safety in 2009, 145:2, I, A, for DMV VISION project continuation.

84. The appropriation made to the department of safety in 2009, 145:2, I, B, as amended by section 21 of this act, for Dover point DMV substation.

85. The appropriation made to the department of safety in 2003, 240:3, I, D, as extended by 2005, 259:25, XLI, as extended by 2007, 264:29, LXVI, as extended by 2009, 145:19, 59, and as amended by section 15 of this act, for state police narcotics and investigations unit.

86. The appropriation made to the department of safety in 2005, 259:4, I, A, as extended by 2007, 264:29, LXVII, as extended by 2009, 145:19, 60, and as amended by section 24 of this act, for enhanced road toll system.

87. The appropriation made to the department of safety in 2007, 264:2, I, D, as extended by 2009, 145:19, 63, for OIT projects for DMV.

88. The appropriation made to the department of transportation in 2009, 145:1, XII, A, for FAA projects.

89. The appropriation made to the department of transportation in 2009, 145:1, XII, B, for public transit bus matching funds.

90. The appropriation made to the department of transportation in 2009, 145:1, XII, C, for airport navigation equipment.

91. The appropriation made to the department of transportation in 2009, 145:1, XII, D, for Coos County rail improvements.

92. The appropriation made to the department of transportation in 2009, 145:1, XII, E, for state owned rail bridge repair.

93. The appropriation made to the department of transportation in 2009, 145:2, II, A, for underground fuel tank replacement statewide.

94. The appropriation made to the department of transportation in 2009, 145:2, II, C, for replacement of automated fueling system-phase 2.

95. The appropriation made to the department of transportation in 2009, 145:2, II, D, for TMC equipment room fire suppression.

96. The appropriation made to the department of transportation in 2009, 145:2, II, F, for Nashua DMV EZ pass customer service.

97. The appropriation made to the department of transportation in 2009, 145:2, II, G, for energy/environmental renovations statewide.

98. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202.28 XXXIII, 2003, 240:34, LXXVI, and 2005, 259:25, LVI, as extended by 2007, 264:29, LXXIV, as extended by 2009, 145:19, 64, for acquisition of railroad and airport properties.

99. The appropriation made to the department of transportation in 2007, 264:1, XIV, A, as extended by 2009, 145:19, 65, for 5-10 percent match for FAA projects.

100. The appropriation made to the department of transportation in 2007, 264:1, XIV, C, as extended by 2009, 145:19, 67, and as amended by section 16 of this act, for rail match.

101. The appropriation made to the department of transportation in 2007, 264:1, XIV, D, as extended by 2009, 145:19, 68, for repair state rail lines.

102. The appropriation made to the department of transportation in 2007, 264:2, II, D, as extended by 2009, 145:19, 73, for the Chesterfield welcome center.

103. The appropriation made to the department of transportation in 2007, 264:2, II, E, as extended by 2009, 145:19, 74, for a fuel center computer system.

104. The appropriation made to the department of transportation in 2007, 264:1, XIV, B, as extended by 2009, 145:19, 66, for public transit bus replacement.

105. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by 2007, 264:20, and as extended by 2007, 264:29, as extended by 2009, 145:19, 81, for railroad acquisition, right of first refusal, rail match.

106. The appropriation made to the department of transportation in 2005, 259:4, II, I, as extended by 2007, 264:29, LXXXVII, as extended by 2009, 145:19, 83, for Chesterfield welcome center and Antrim rest area.

107. The appropriation made to the New Hampshire veterans home in 2009, 145:1, XIII, A, as amended by section 17 of this act, for life safety infrastructure upgrades.

108. The appropriation made to the New Hampshire veterans home in 2009, 145:1, XIII, C, as amended by section 17 of this act, for central shipping and receiving/multi-purpose center.

29 Effective Date.

I. Section 18 of this act shall take effect upon its passage.

I. Section 28 of this act shall take effect June 30, 2011.

II. The remainder of this act shall take effect July 1, 2011.

SENATOR BOUTIN: Thank you, Mister President. I rise to move House Bill 25 Ought to Pass with Amendment. This bill, as amended by the Senate Capital Budget Committee, authorizes \$86,726,794 in general bond funding. This figure is roughly \$3 million less than the House version and well below the State Treasurer's recommended cap.

The majority of the savings came from a reduction in the amount of bonding authorized for the Department of Corrections. The Commis-

sioner of the Department testified that he felt the reduction was appropriate and adequate. Additional savings were realized by coordinating electronic record projects in different agencies under the purview of the Department of Information Technology. The total bonding authorized in HB 25, including other federal and highway bonding, amounts to \$217,926,555.

The Capital Budget Committee unanimously recommends this legislation be adopted and we ask for your support for the bill as amended. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: This bill, the capital budget, is such a significant bill that it deserves additional comments. I want to first applaud the Chair for a very fair and evenhanded process as we went through the capital budget. But, I also want to just highlight some of the features of this budget which I support, but I also want to point out some places where I think we all ought to take notice.

I am concerned that the Department of Corrections is only receiving \$500,000 when they indicated that they are in need of a door opening and closing system for the secure housing unit. That worries me, and I know we have issues with our prison and how we are going to proceed in the next biennium, but I believe that the security in the special housing unit is of utmost importance and I am concerned that we are not addressing the critical repairs to those doors.

I also applaud the continuation of our project, actually, and way back years ago, being in a point where we're all observing things we did years ago, the renovations to our community technical education centers, our vocational centers at our high schools: it used to be we only put money into construction, and now, because of work we did years ago in the Senate Education Committee, those renovations are happening in Pinkerton and Laconia, and those, I think, are worthwhile and important investments which I hope will be continued in our state budget.

The renovation of the Tobey Building is an important step for Concord and I applaud that work and observe that it's \$22 million in federal funding, which is important money for our city and will hopefully not only upgrade that department but open up opportunities on Concord's Main Street.

I wanted to note that we put significant money into the Suncook River issue and property acquisition to assist Senator Barnes' and my constituents who are threatened by floodwaters repeatedly during this fluvial erosion problem – I think each of us has learned a new word over the years: fluvial.

Other issues are in here that are good, and I simply wanted to say the work that's been done at Hampton Beach is important; the work that has happened for the electronic medical records in the Veterans Home and other issues, and also at the Hampton dredging: those are continuing investments that the State has made in important capital projects within our state, and I wanted to applaud the Capital Budget Committee for its work and ask for your bipartisan support. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

COMMERCE

HB 173, relative to service of process on commercial tenants. Ought to Pass with Amendment, Vote 4-0. Senator De Blois for the committee.

Commerce
May 17, 2011
2011-1979s
06/01

Amendment to HB 173

Amend the bill by replacing section 1 with the following:

1 Service of Demand and Eviction Notice. Amend RSA 540:5, I to read as follows:

I. Any notice of a demand for rent or an eviction notice may be served by any person and may be served upon the tenant personally or left at his or her last and usual place of abode. *In the case of commercial rental property, service of process may be made at such property provided that a copy of the demand for rent or eviction notice shall be sent by certified mail to the commercial tenant at his or her last known legal address or, for non-residents, pursuant to RSA 510:4.* Proof of service must be shown by a true and attested copy of the notice accompanied by an affidavit of service, but the affidavit need not be sworn under oath. A notice of a demand for rent shall be sufficient if served upon the tenant at any time after the rent becomes due and prior to or simultaneously with the service of an eviction notice.

SENATOR DE BLOIS: Thank you, Mister President. I move that House Bill 173 Ought to Pass with Amendment. House Bill 173 as amended by the Committee permits demand for rent and eviction notices be served at commercial properties provided that the notice be sent certified mail to the commercial tenant at his or her last known legal address, or for non-residents, to the Secretary of State, pursuant to RSA 510:4.

Please join the Commerce Committee in their unanimous vote: Ought to Pass with Amendment on House Bill 173. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sens. De Blois, Sanborn, and White assert Rule 2-15 on HB 173.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sens. De Blois, Sanborn, and White assert Rule 2-15 on HB 173.

HB 322, relative to occupancy fees charged by manufactured housing park owners. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Commerce
May 17, 2011
2011-1980s
06/01

Amendment to HB 322

Amend the bill by replacing section 1 with the following:

1 Regulation of Manufactured Housing Parks; Fee for Increasing Occupancy Limit. Amend RSA 205-A:2, VIII(a) to read as follows:

(a) Establishes an additional charge or increased rental payments, directly or indirectly, for persons under the age of 18 residing in manufactured housing. The park owner or operator may make reasonable rules governing the number of adults or total number of persons permitted to

reside in manufactured housing and may [~~charge an amount not to exceed \$10~~] **establish an additional charge not to exceed 10 percent of gross monthly rent** per adult per month where the number of adults residing in manufactured housing exceeds the limit established by such rules.

2011-1980s

AMENDED ANALYSIS

This bill modifies the statutory cap on the fee that a manufactured housing park owner may charge if a tenant exceeds the park's adult occupancy rate.

SENATOR SANBORN: Thank you, Mister President. I move House Bill 322 Ought to Pass with Amendment. House Bill 322 as amended by the Committee modifies the statutory cap on the fee that a manufactured housing park owner may charge if a tenant exceeds the park's adult occupancy rate. The current fee in statute is an amount not to exceed \$10, and House Bill 322 will modify that charge to not exceed 10 percent of the gross monthly rent.

Please join the Commerce Committee and vote Ought to Pass with Amendment on House Bill 322. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location. Ought to Pass, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move that House Concurrent Resolution 22 Ought to Pass. HCR 22 declares that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location. And, referencing my great friends Senator Gallus and Senator Bradley, as some of you may know, the Mount Washington Hotel is one of the charms of our state, and recently they applied for a trademark – not just to trademark the name "Mount Washington Hotel", but to trademark the name "Mount Washington". As you can expect, this caused a significant level of concern for many of our small businesses up in the North Country, who some also use the name "Mount Washington" in their name.

Through much discussion with the Committee, it was discussed that although we don't want to discourage business trade marking – had the Mount Washington asked for a trademark specifically for the "Mount Washington Hotel", the members of the Committee felt very strongly that's something they could support. But, in trying to trademark the name just: "Mount Washington", specifically in their industry of hospitality, we felt that as a Legislature we needed to make a statement to protect some of our treasures.

So, the majority of the Committee agreed to support those who wish to make their feelings known, that New Hampshire doesn't believe that our treasured landmarks should be open for trademark by any sole authority for exclusive use. So, please join the Commerce Committee and vote Ought to Pass on HCR 22. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 119, relative to agency membership on the information technology council. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

Senate Executive Departments and Administration

May 19, 2011

2011-2038s

05/09

Amendment to HB 119

Amend the title of the bill by replacing it with the following:

AN ACT relative to agency membership on the information technology council and relative to the duties of the chief information officer.

Amend the bill by replacing all after section 1 with the following:

2 New Subparagraphs; Information Technology Council. Amend RSA 21-R:6, II by inserting after subparagraph (k) the following new subparagraphs:

(l) One representative of academia, appointed by the governor for a 3-year term.

(m) Three representatives of the business community, appointed by the governor for 3-year terms.

3 New Paragraph; Department of Information Technology; Duties of the Commissioner. Amend RSA 21-R:4 by inserting after paragraph XV the following new paragraph:

XVI. Developing and implementing a strategy to address cyber security risks to the state's data, information, and technology resources.

4 New Section; Department of Information Technology; Rulemaking. Amend RSA 21-R by inserting after section 4 the following new section:

21-R:4-a Rulemaking. The chief information officer may adopt rules, pursuant to RSA 541-A, relative to:

I. Computer system consolidations, implementation, and operation.

II. Implementation and operation of centralized services.

III. Implementation and operation of technology security.

5 Effective Date. This act shall take effect upon its passage.

2011-2038s

AMENDED ANALYSIS

This bill permits agency heads to appoint designees to the information technology council and adds public members to the council. The bill also requires the chief information officer to develop a cyber security strategy and authorizes the chief information officer to adopt related administrative rules.

SENATOR LUTHER: Thank you, Mister President. I move House Bill 119 Ought to Pass with Amendment. HB 119 clarifies that an agency head appointed to the information technology council by the Governor may appoint a designee to the council.

The amendment brought in addressed three additions to the bill. First is the addition of one representative from academia and three additional representatives from the business community to be appointed to the council; secondly, the addition to the duties of the Commissioner to develop and implement strategies to address cyber security risks; and thirdly, giving rulemaking authority to the chief information officer, all of which shall take effect upon passage.

The ED&A Committee voted unanimously in favor of HB 119 with amendment and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. Ought to Pass with Amendment, Vote 5-0. Senator Groen for the committee.

Senate Executive Departments and Administration

May 19, 2011

2011-2040s

05/04

Amendment to HB 355

Amend the title of the bill by replacing it with the following:

AN ACT enabling state and local fire and building officials to issue citations for violations of certain fire safety rules and licensing violations for gas fitters, electricians, and plumbers.

Amend RSA 21-P:4, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a [and], RSA 153:5, *and RSA 160-C and to unlicensed persons who perform actions that require a license under RSA 153:28, RSA 153:29-a, RSA 319-C, or RSA 329-A* to the state fire marshal or his *or her* designee, or to any fire chief, fire investigator, fire inspector or fire prevention officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. *A building official or code enforcement officer may also be granted authority under RSA 21-P:14, II(s) to issue a citation to any unlicensed person who performs actions requiring a license under RSA 153:28, RSA 153:29-a, RSA 319-C, or RSA 329-A.*

2011-2040s

AMENDED ANALYSIS

This bill enables state and local fire and building officials to issue citations for violations of fire safety rules adopted under RSA 153 and RSA 160-C, the permissible fireworks law. The bill also allows building officials and code enforcement officers to issue citations for violations of licensing requirements for fuel gas fitters, electricians, and plumbers.

This bill is a request of the department of safety.

SENATOR GROEN: Thank you, Mister President. I move House Bill 355 Ought to Pass with Amendment. HB 355 as amended allows the State Fire Marshal to delegate authority to local fire officials and code enforcement officials to issue citations for violations of the fire safety code.

The amendment clarifies that such designees may also issue citations for violations of unlicensed persons who perform actions that require a license. This bill was requested by the Department of Safety.

The ED&A Committee voted unanimously in favor of House Bill 355 with amendment and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. Ought to Pass, Vote 5-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move House Bill 392 Ought to Pass. HB 392 was requested by the Department of Safety for the purpose of clarifying responsibilities within the division of homeland security and emergency management. This bill will shift and update responsibilities within these divisions and also establish, add, and transfer responsibilities within these divisions and bureaus.

The ED&A Committee voted unanimously in favor of HB 392 and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

FINANCE

HB 74, relative to the ticketing and season passes at Cannon Mountain. Ought to Pass, Vote 7-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 74 Ought to Pass. This bill makes changes to the requirements for the reduced rate season passes at Cannon Mountain aerial tramway and ski area. It simplifies the process and reduces the confusion among products and hence improves customer service. The Cannon Mountain ski management does not expect any change in revenue.

Please support the Finance Committee's unanimous decision of Ought to Pass.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I just wanted to point out that this is one of the many benefits that keeping Cannon as a State-operated park and operation offers to those who are residents of New Hampshire and particularly those who are of a certain age or military status. This is one of the benefits that would not be there if Cannon were leased to a private agency. That's why I support House Bill 74.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 191, relative to the community mental health system. Ought to Pass with Amendment, Vote 7-0. Senator Morse for the committee.

Senate Finance

May 19, 2011

2011-2042s

01/10

Amendment to HB 191

Amend RSA 135-C:13 as inserted by section 4 of the bill by replacing it with the following:

4 Discrimination Prohibited; Eligibility for Services. Amend RSA 135-C:13 to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the

state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. *Admission to the state mental health services system and access to treatment and other services within the system shall be contingent upon the availability of appropriations. The community mental health program responsible for providing services shall conduct a clinical assessment of every applicant for services. The community mental health program shall prioritize delivery of services based on the severity of the individual's clinical needs. Emergency services shall be provided as needed. Services shall not be denied to persons who are conditionally discharged from a receiving facility under RSA 135-C:50, or who are ordered to submit to treatment at a community mental health program under RSA 135-C:45.* Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, ~~[such service shall be documented through individual service plans. When services have been documented to be necessary but unavailable,]~~ each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system. Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2011.

SENATOR MORSE: Thank you, Mister President. I move House Bill 191 Ought to Pass with Amendment. House Bill 191 implements recommendations of the Office of the Legislative Budget Assistant's 2010 performance audit report of New Hampshire community health system.

Under current law, mental health centers must provide services to the severely mentally disabled whether the individual can afford it or not. The committee amendment to HB 191 will balance the needs of individuals and the resources of the facilities. Service providers will be able to prioritize care based on individual needs determined from clinical assessment. The amendment also ensures emergency services will be provided as needed.

The Finance Committee recommends House Bill 191 Ought to Pass with Amendment and asks for your support.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants. Ought to Pass with Amendment, Vote 7-0. Senator Morse for the committee.

Senate Finance
May 18, 2011
2011-2023s
04/10

Amendment to HB 337-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

Amend the bill by replacing all after the enacting clause with the following:

1 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a [~~and RSA 198:40-c~~] ***plus an additional grant of \$2,000*** directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

2 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be \$3,450 per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be [~~calculated as follows~~]:

(a) ~~An additional \$431 per pupil in kindergarten through grade 12 eligible for the federal free and reduced-price meal program who attends a public school in which less than 12 percent of the pupils reported in the school's ADMA in the determination year are eligible for the federal free and reduced-price meal program.~~

(b) ~~An additional \$863 per pupil in a public school in which at least 12 percent but less than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

(c) ~~An additional \$1,725 per pupil in a public school in which at least 24 percent but less than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

(d) ~~An additional \$2,588 per pupil in a public school in which at least 36 percent but less than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

(e) ~~An additional \$3,450 per pupil in a public school in which 48 percent or more of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program]~~ ***in the amount of \$1,725 for each pupil in the public school's ADMA in the determination year who is in kindergarten through grade 12 and who is eligible for the federal free and reduced-price meal program.***

II. In addition to the amount in paragraph I, an additional \$675 for each pupil reported in the public school's ADMA in the determination year who is an English language learner and who is receiving English language instruction.

II-a. An additional \$675 for each third grade pupil in the public school's ADMA in the determination year who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year.

III. In addition to the amounts in paragraphs I [and], II, and II-a, an additional \$1,856 for each pupil reported in the public school's ADMA in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be used to determine the cost of an adequate education which shall be used in each year of the biennium.

(b) The department shall allocate the cost of an adequate education for each municipality by totaling the cost of an adequate education as determined in RSA 198:40-a, I-III for all children who reside in that municipality.

(c) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the cost of an adequate education for the pupils in each school within its jurisdiction sorted by the pupil's municipality of residence. In addition, the department shall furnish to each school district a report showing the cost of an adequate education for pupils who are residents of that school district sorted by a pupil's school of attendance.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

3 School Money; Determination of Grants. Amend RSA 198:41 to read as follows:

198:41 Determination of ***Education*** Grants [~~and Excess Tax~~].

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the [~~amount of the~~] ***total*** education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year[~~, and from such amount; and~~];

(c) ~~Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.~~

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the [~~amount of the adequate~~] ***total*** education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education [property] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

III. ~~(a) For the [fiscal years beginning July 1, 2009 and July 1, 2010] biennium ending June 30, 2013, the department of education shall not:~~

~~(a) distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds that municipality's total education grant [for the 2009 fiscal year] in the second year of the previous biennium [by more than 15 percent; or~~

~~(b) Reduce the total state aid for an adequate education provided on behalf of all pupils who reside in a municipality to an amount less than that municipality's total state aid for an adequate education received in the 2009 fiscal year]~~

~~(b) Beginning July 1, 2013, and each fiscal year thereafter, the department of education shall not distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds 105.5 percent of the total education grant distributed to such municipality in the previous fiscal year.~~

IV. ~~(a) For fiscal year 2012, the department of education shall identify all municipalities in which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education grant. The department shall distribute a stabilization grant to each of those municipalities equal to 100 percent of the decrease.~~

~~(b) For fiscal year 2013, and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2012 stabilization grant, if any, distributed to the municipality.~~

4 New Section; School Money; Severability. Amend RSA 198 by inserting after section 43 the following new section:

198:43-a Severability. If any provision of RSA 198:38 through RSA 198:43 or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of RSA 198:38 through RSA 198:43 which can be given effect without the invalid provision or application, and to this end, such provisions are declared to be severable.

5 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

[Excess Education Property Tax Payment]

Local Control and Alternative Kindergarten Programs

6 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [RSA 198:46,] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

7 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts [and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the ex-

cess payment and pay it to the department of revenue administration for deposit in the education trust fund]. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

8 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, [2011] **2013** and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

9 Repeal. The following are hereby repealed:

I. RSA 198:40-c, relative to fiscal capacity disparity aid.

II. RSA 198:46, relative to excess education tax payments.

III. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

IV. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

10 Effective Date.

I. Section 8 of this act shall take effect July 1, 2011 at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 2011.

2011-2023s

AMENDED ANALYSIS

This bill:

I. Sets the amount of differentiated aid at \$1,725 for each pupil eligible for the free or reduced-price meal program.

II. Repeals the calculation and distribution of fiscal capacity disparity aid.

III. Provides a grant in the amount of \$2,000 for chartered public school pupils.

IV. Provides \$675 for each third grade pupil who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds.

V. Beginning July 1, 2013, provides that a municipality's total education grant shall not exceed 105.5 percent of the total education grant received in the previous fiscal year.

VI. Provides a stabilization grant to certain municipalities in fiscal year 2012 equal to the decrease from the municipality's fiscal year 2011 total education grant, and provides that a municipality shall continue to receive this stabilization grant in fiscal year 2013 and each fiscal year thereafter.

VII. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

SENATOR MORSE: Thank you, Mister President. I move House Bill 337 Ought to Pass with Amendment. As presented to Senate Finance, this legislation reflected the House's position on education funding.

The Senate Committee amended the bill and simply includes the Senate's position already determined by the passage of Senate Bill 183. As you

may recall, Senate Bill 183 eliminates donor towns and fiscal disparity aid, which are two of the most divisive elements of school funding formula, while still maintaining all of the components and base funding of adequacy. It does not change the adequacy formula and ensures that our communities will continue to receive the same level of funding they receive today. Additionally, Senate Bill 183 ties our education dollars directly to the children they are meant to support.

Please support the Senate Finance Committee's motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Kelly is in opposition to the adoption of the Committee Amendment to HB 337-FN-L.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the Committee recommendation of Ought to Pass as Amended on HB 337-FN-L.

HB 478-FN-L, relative to testimony by video teleconference. Ought to Pass, Vote 7-0. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 478 Ought to Pass. This bill authorizes testimony by video teleconference at Department of Safety administrative hearings and in district and superior court motor vehicle cases, providing the ability for the petitioner to provide video testimony.

There are costs associated with software licenses and telecommunication services necessary to facilitate the video teleconferencing, but the towns, counties, and state expect to realize savings with the use of this new technology.

Please support the Finance Committee's motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 508-FN, establishing a performance measurement system for state agencies. Re-refer to committee, Vote 7-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move House Bill 508-FN to be Re-referred to committee. This bill was introduced to establish a pilot program for the development of a performance measurement system in the Department of Health and Human Services and calls for all agencies to develop such systems by 2013.

The Committee recognizes the need for measuring how effectively the State is servicing the public and believes this approach could be consistent with the goals of improving governmental practices. At this time, however, the Committee would like to have more discussion on this particular model before going forward.

The Finance Committee recommends that House Bill 508-FN be Re-referred and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 520-FN, requiring certain bills to have performance standard notes. Re-refer to committee, Vote 7-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 520 to be Re-referred. This bill requires the Legislative Budget Assistant to prepare a fiscal note for any bill changing expenditures of the State by more than \$1 million. The performance standards note shall include a description of the measurable outcomes, both positive and negative.

Before expending any money on a program, the Committee believes the Legislature should know how success is measured by that program, like any other good business plan. At this time, the Committee would like to look at this bill more in-depth to determine how best to achieve that goal.

The Finance Committee unanimously requests your unanimous support in Re-referring this piece of legislation. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. Ought to Pass, Vote 7-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move House Bill 635-FN Ought to Pass. The purpose of this bill is to save a significant amount of money for the State by offering faster and more efficient services for the state's citizens by eliminating the current silo approach which we have to doing business.

The bill directs the Governor to create a plan to consolidate both back-of-the-office and front-of-the-office operations where savings are available. This goes beyond similar measures already present in the Governor's proposed budget. There was a cost estimate in here of savings of \$10 million in the first year and \$25 million in the second.

The Senate Finance Committee recommends that House Bill 635 Ought to Pass and asks for your support.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. De Blois asserts Rule 2-15 on HB 635-FN-A.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. Ought to Pass, Vote 7-0. Senator Morse for the committee.

SENATOR MORSE: Thank you, Mister President. I move House Bill 642 Ought to Pass. This bill requires that the Department of Health and Human Services and Administrative Services issue a certain request for information needed to determine if a single source administrator for the New Hampshire pharmacy benefits management system is feasible. If the RFI suggests that there would be increased efficiency and savings, the Commissioners shall jointly issue a request for proposal within six months of the report required under this section, and the cost of the RFP shall be borne by the affected groups in the portion to their covered lives. There are no new appropriations affiliated with this bill.

The Finance Committee recommends that House Bill 642 Ought to Pass and asks for your support.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

HJR 4, prohibiting the implementation of certain rules of the board of medicine. Re-refer to committee, Vote 5-0. Senator De Blois for the committee.

Sen. De Blois moved to Lay on the Table HJR 4. Adopted.

INTERNAL AFFAIRS

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Internal Affairs

May 18, 2011

2011-2021s

05/03

Amendment to HCR 9

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION urging the President and Congress to address the privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency at the nation's airports.

Amend the resolution by replacing all after the third paragraph after the title with the following:

Whereas, many travelers have found the pat-down searches conducted by employees of the TSA to be a humiliating experience bordering on physical and emotional abuse; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire respectfully urges the President and Congress of the United States to immediately address the serious privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by Transportation Security Agency employees at the nation's airports; and if these concerns cannot be satisfactorily addressed, urges the discontinuation of their use; and

That copies of this resolution, signed by the speaker of the house of representatives and the senate present, be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

2011-2021s

AMENDED ANALYSIS

This resolution urges the President and Congress of the United States to immediately address the serious constitutional and safety concerns presented by advanced imaging technology employed by Transportation Security Agency employees at the nation's airports and, if these concerns cannot be satisfactorily addressed, urges the discontinuation of their use.

SENATOR BRADLEY: Thank you very much, Mister President. I just have to say, it is really nice to see the blue sky that's even bluer than Senator Sanborn's tie.

I move HCR 9 Ought to Pass with Amendment. This Resolution urges Congress to support House Resolution 6416 or similar legislation relative to airport security. The Committee amended the bill to remove references to HR 6416.

The Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. Re-refer to committee, Vote 5-0. Senator Bradley for the committee.

Sen. Bradley moved to Lay on the Table HCR 19.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Houde, Odell, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forsythe, Groen, Sanborn, White.

Yeas: 20 - Nays: 4

Adopted.

Sen. Groen is in opposition to the motion to Lay on the Table HCR 19.

JUDICIARY

HB 254, relative to offers of judgments. Inexpedient to Legislate, Vote 4-0. Senator Houde for the committee.

SENATOR HOUDE: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 254. This bill sought to change the current system for offers of judgments in civil cases in our courts, and while well-intentioned to increase settlements, there was concern over whether they would in fact have that effect in practice.

The procedure would be similar in process to what is referred to as Federal Rule 68. However, the inclusion of attorneys' fees is a fairly substantial departure from current practices of costs-only, and therefore caused concern.

Others testifying at the public hearing felt that the adoption of this procedure would actually add another layer to our already overburdened court system by resulting in subsequent litigation over what the reasonableness of offers was. Related was a concern expressed about the disclosure of settlement offers, which actually might discourage settlements.

Finally, instituting a "loser pays" system would actually increase the burden for cash-strapped litigants, which is not something the Committee felt comfortable doing, and for these reasons we recommend that the legislation not be adopted and ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 305, relative to the homestead right. Inexpedient to Legislate, Vote 4-0. Senator Luther for the committee.

Sen. Luther moved to Lay on the Table HB 305. Adopted.

Recess. Out of recess.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors. Ought to Pass, Vote 3-1. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass on HB 329. This legislation creates a requirement for parental notification before an abortion can be performed on an unemancipated minor. This bill does not require parental consent, but it does require the inclusion of a parent or guardian in this life-affecting decision.

At its core, this legislation recognizes and protects parental rights and responsibilities and it recognizes and protects the concern, care, and love that parents have for their children. It is entirely reasonable that parents should have knowledge of and input in a decision that affects the life and health of their daughter and the life of their grandchild.

HB 329 does not ban any abortions, nor does it put an unreasonable restriction on the performance or process of an abortion. The legislation provides a carefully crafted judicial bypass in situations when a young woman believes that she cannot safely approach her parents. Currently, 47 states have either parental consent or notification, and this puts us consistently in line with others.

The carefully crafted wording of this legislation is exactly as passed by the House; it has already been tested based on *Ayotte v. Planned Parenthood* and Supreme Court decisions on parental consent laws of other states. Therefore, I ask you, my colleagues, to support the bill as presented and provide protection to our minors at a time when they very much need their families' support. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro for a question of Sen. Groen.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Thank you, Senator. Senator, there's a fiscal note on this bill; it indicates that the cost is indeterminable. Yet, there's been testimony that the cost of this bill is about \$250,000 per year. Is there \$250,000 in the budget each year to take care of this?

SENATOR GROEN: Senator D'Allesandro, do you have evidence that was presented that indicates that? As we know, there's testimony on both sides of this issue.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Both the sponsors and the opponents agreed that there was a cost associated with it; the \$250,000 number is the number that both seemed to come to accord on. So, that's the only validation I have of the amount.

SENATOR GROEN: Senator D'Allesandro, I have not seen validation of that amount; I do not believe that it will cost \$250,000, and I do not believe there needs to be \$250,000 in the budget to cover a cost that I don't believe will be there.

(The Chair recognized Sen. D'Allesandro for a follow-up question of Sen. Groen.)

SENATOR D'ALLESANDRO: Thank you, sir. Has this ever been reviewed by the Finance Committee to indicate whether or not these costs are in accord with the piece of legislation?

SENATOR GROEN: Senator D'Allesandro, it was reviewed by the Finance Committee on the House side and the cost was determined as indeterminable.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise in opposition to House Bill 329 as approved by the majority of the Judiciary Committee. I'm especially concerned – and we all should be – that this legislation provides no exception to the notification mandate for victims of rape and incest. We have heard on average that 75 percent of young women under the age of 18 having an abortion have already had the type of parental involvement this law seeks to achieve. Government intervention cannot better family relations. But, that leaves 25 percent without parental involvement, and that's the corps of young women who need our further understanding. We know that some portion of this 25 percent do not live with either parent; perhaps they're in foster care or in group homes, where access to parents is not achievable for a good reason. Maybe mother or dad is incarcerated and not capable of supporting their daughter through a decision-making about an unwanted pregnancy. Other young women are victims of neglect, abuse, and even rape or incest by a parent or close relative or family friend. This legislation places an unreasonable burden upon these vulnerable teens. Why would we force them before a judge when their medical provider is trained and better equipped to understand the difficult dynamics that affect their family situations?

In Concord, headline news has been following a story about Tina, a woman who was raped at the age of 15. I have it here; I'm happy to copy it or let you read it. Tina was raped at age 15 by an adult male from her church and became pregnant. She's 29 now, and the trial to punish her perpetrator is underway in Concord and was a front page story in yesterday's *Concord Monitor*.

In this case, the victim's mother, her pastor, and the wife of the confessed rapist all knew about the rape. But, instead of helping her or following through on the crime, they shamed and humiliated her, requiring her to admit her pregnancy in front of her whole congregation. Then her mother chose to send her away to Colorado to have the baby and put it up for adoption. Yesterday, Tina's mother testified against her during her daughter's rape trial, suggesting that her 15-year-old daughter consented to sex with a 38-year-old man. Are these the type of parental rights that House Bill 329 is seeking to codify? For this young woman, all of the adults in her life, who might have been presumed to be acting in her best interest, were in fact conspiring to cover up the crime. If only Tina had had access to confidential medical care, she might have been able to trust a medical provider with the truth about her circumstances, and her rape might have been reported to authorities while she was still a teen and the evidence more current.

When I think about House Bill 329 as supported by the majority of the Judiciary Committee, we all need to recognize that in some situations, it forces teens to consult with their abusers or with family members that are complicit in the sexual assaults. I urge you to consider the situations of those 25 percent we know are there in our society: 25 percent who need another way to get through one of the most difficult and trying episodes that a young person can face. I ask you to consider the amendments we will be offering further and urge you to think seriously and carefully about the effects of the bill you're passing. Thank you.

(The Chair recognized Sen. Stiles for a question of Sen. Groen.)

SENATOR STILES: Thank you for taking my question. A couple of weeks ago we voted to protect physicians from public sanction who were tackling the challenges of Lyme disease because we wanted to protect the patient-provider relationship.

Like the physicians treating Lyme disease, the medical providers in HB 329 are providing a legal medical procedure which is constitutionally protected. HB 329 seems to include a criminal penalty for a medical provider who doesn't comply with the notification mandate. And, I'm thinking of a situation where if they did send out the notification and this procedure was performed prior to the 48 hours – maybe 45 hours or something like that – what kind of a criminal penalty will the medical providers face if this bill passes?

SENATOR GROEN: Thank you for the question, Senator Stiles. First of all, the penalty provision, as is the judicial bypass provision, is very carefully written to provide protections in cases where a medical provider does due diligence. And, just let me read from the bill itself: "A person shall not be held liable under this section if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant minor regarding information necessary to comply with this section are bona fide and true." It simply... If a medical provider is seeking to operate within the requirements of this bill, this law, that person would not be criminally liable. If there are penalties, it is a penalty up to the level of misdemeanor. So, I believe that it is very reasonable; without any penalty, medical providers could simply ignore this law completely.

SENATOR STILES: Thank you.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

Sen. Stiles, Dist. 24

Sen. Gallus, Dist. 1

May 20, 2011

2011-2052s

01/09

Floor Amendment to HB 329-FN

Amend the title of the bill by replacing it with the following:

AN ACT concerning parental notification of the decision of an unmarried minor to seek an abortion.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Findings.

I. The legislature believes that, in most circumstances, it is beneficial for a minor to involve a parent in her decision to seek an abortion.

II. The legislature also realizes that not all minors have parents that are supportive, that parental notification might endanger the minor, or that the minor may not have contact with her parents.

2 New Subdivision; Parental Notification of the Abortion Decision of a Minor. Amend RSA 132 by inserting after section 31 the following new subdivision:

Parental Notification of the Abortion Decision of a Minor
132:32 Definitions. In this subdivision:

I. "Abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical, or the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus.

II. "Medical emergency" means a condition that endangers a pregnant woman's life, mental status, or impairment of a major bodily function.

132:33 Parental Notice Required. Except as provided in RSA 132:34, a medical provider shall not perform an abortion on an unmarried minor unless the medical provider first gives notice to a parent or guardian of the minor.

132:34 Exceptions.

I. The medical provider may perform the abortion without notice to a parent or guardian if:

(a) The minor does not live with a parent or guardian; and

(b) A reasonable effort to give notice to a parent or guardian is unsuccessful.

II. The medical provider may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the medical provider:

(a) The minor is experiencing a medical emergency;

(b) Notice to the parent or guardian may lead to physical or emotional abuse of the minor;

(c) The minor is mature and capable of giving informed consent to an abortion; or

(d) Notification would not be in the best interest of the minor.

III. The medical provider shall not be liable for civil damages or subject to a criminal penalty for a decision not to give notice under this section.

132:35 Notice Letter.

I. The medical provider shall include in the medical record the written statement of a parent or guardian that the person has been informed that the minor intends to obtain an abortion.

II. The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice letter that was sent in that article of mail shall be conclusive evidence of notice or a reasonable effort to give notice.

III. The medical provider shall not provide notice to a parent or guardian if the minor decides not to have the abortion.

3 Effective Date. This act shall take effect January 1, 2012.

2011-2052s

AMENDED ANALYSIS

This bill establishes procedures for parental notification of an unmarried minor seeking an abortion.

SENATOR HOUE: Thank you, Mister President. I am the one of the 3-1 vote on House Bill 329. So, while I do not support 329, if we're going to have a parental notification law in New Hampshire, I believe we need an approach that is tailored to New Hampshire and that keeps our commitment to limited government.

We've just heard by way of question and answers that 75 percent of young women in New Hampshire already involve their parents. I have concerns about the remaining 25 percent and the unfortunate situation described by Senator Larsen. Senator D'Allesandro clearly brought out

the financial implications of this bill, and I believe that there's consensus that the potential costs are up to \$250,000 if the bypass is exercised by the number of young women under the age of 18 who would be affected by this proposal, which is somewhere between 40 and 50 a year.

I also don't know that the bill is exclusively about parental rights and responsibilities if, as was pointed out by Senator Stiles' question, there's a criminal penalty for providers – as Senator Groen indicated, a misdemeanor – and since we've tried to protect the relationship between healthcare provider and patient in other contexts, this strikes me as a fairly harsh approach and an intrusion into that relationship.

So, for all of these considerations, and with plenty of other state models to look at, I believe there are less costly, less intrusive, and models better suited to New Hampshire, which is the substance of what I'm offering. Amendment 2052 is a provider bypass, no-cost parental notification amendment, which is based on a Maryland law that's been in existence for three decades. It requires, again, parental notification, but keeps the conversation between medical providers, parents, and teens, where I believe it belongs; no state bureaucrats or judges are involved, reduces the annual cost from, again, the \$250,000 number to zero; and again, finally borrows a legislative model that has worked in Maryland for three decades.

So, I thank you, Mister President, and ask for your support for this amendment.

(The Chair recognized Sen. White for a question of Sen. Houde.)

SENATOR WHITE: Thank you, Mister President. Thank you, Senator Houde. Medical provider: Would you consider Planned Parenthood under the definition of your amendment to be a medical provider?

SENATOR HOUDE: There are medical providers that work at Planned Parenthood; yes.

SENATOR WHITE: Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the amendment offered by my colleague, Senator Houde. And, I must say that I've been told many times that when you get up to speak you don't change anybody's mind; minds are pretty much made up. But, I think it's important that when you get up to speak, you present issues, statements, that have relevance toward the discussion. And, that's the key element: relevance toward the discussion.

There are a few of us here that were with me in May of 2003 when we debated this very topic. The Honorable Senator Barnes was here; the Honorable Senator Larsen was here; the Honorable Senator Odell was here. We were here during an extensive debate. For those of you who are familiar, this is like the movie "Groundhog Day", and I woke up with the same scenario, only eight years have passed and some of you appear ready to repeat the mistakes of the past.

On that similar occasion, we were told that parental notification law before the chamber was surely constitutional. In fact, the best lawyers in Washington, D.C. – which is an oxymoron to begin with – working for the cause of outlawing all abortions had assured us that this would not successfully be challenged at the federal court. Both our then-Governor and our then-Senate President concurred with that. And, let me tell you,

those special interest lawyers and their New Hampshire supporters caused the State of New Hampshire to travel one expensive journey to the U.S. Supreme Court and back; actually, it went to the lower courts twice and then to the Supreme Court and then back to the lower courts. Our Attorney General spent thousands of hours defending the unconstitutional law – time that might have otherwise been spent protecting victims of consumer fraud – the FRM case – or pursuing other serious and important matters. But instead, those who opposed the law and those who had warned us of its flaws were proven right, and in addition to the immeasurable state resources spent on this crusade, New Hampshire was ordered to pay \$300,000 in attorneys' fees because of the unconstitutional nature of the legislation. That's \$300,000 that Senator Morse could use in today's battle of the budget; an additional \$300,000 would have brought us a long way.

And, here we are again, pursuing similar legislation that comes out of the national playbook, without regard to how New Hampshire lawyers, who know the ins and outs of our state and our courts, view its constitutionality. And, while I'll be honest to say I don't support this mandatory policy in any form, I can't stand by and watch this chamber be led down the same path and to entangle this state in needless litigation for such an extreme and inflexible agenda.

I know my colleagues in the Majority have pledged to support a parental notification law, and I know one is going to pass today. I simply urge those who support such a law to take action to honestly address – honestly address – some of the legal and policy concerns before a state or federal judge does that for us instead. The amendment before this chamber would do just that. I ask you to consider this amendment as we move forward. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. D'Allesandro.)

SENATOR BARNES: You, Sylvia, and I were mentioned, as we were here in 2003.

SENATOR D'ALLESANDRO: Yes.

SENATOR BARNES: The three of us and the rest of us also have been here many times where opinions come up from different people on constitutionality of certain issues. Would you agree with that?

SENATOR D'ALLESANDRO: Absolutely.

SENATOR BARNES: Would you agree – and, I haven't gone to Elias Sports Center to get my batting average – but you might agree that you and I and Sylvia probably have about a 500 batting average when it comes to the constitutionality that is brought up by either the one side of the party or the other side of the party? Would you believe once in a while both parties turn out to be correct in what they say?

SENATOR D'ALLESANDRO: Thank you for the question, Senator Barnes. I think on occasion, we are correct. As to the batting average, I can't compute it.

SENATOR BARNES: Well, I think it's about 500.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. D'Allesandro.)

SENATOR BARNES: The follow-up is, would you believe that as in 2003 and 2011, I'm going to vote the same way that I did in 2003?

SENATOR D'ALLESANDRO: Thank you for the comment, Senator Barnes.

SENATOR BARNES: Thank you.

SENATOR D'ALLESANDRO: I do believe that you will vote the same way as you voted in 2003.

SENATOR BARNES: Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. D'Allesandro.)

SENATOR LARSEN: Senator D'Allesandro, earlier you spoke to the estimated cost to have a judicial bypass of approximately \$250,000, and in further discussion there was reference to that the House looked at these numbers. But, as I look at the docket to House Bill 329 – which is in each of our binders – it does not indicate that this bill went to either House or Senate Finance.

When I look at the floor amendment we're currently looking at, I don't see a fiscal note because it doesn't cost the State for a physician, in the privacy of an office, to make some decisions about the wellbeing of a young person whose life or wellbeing is at risk. Is it true that there was no fiscal review in House Finance? I'm seeing that after the printing of our bill, House Bill 329, in the docket, it does not indicate that neither House Finance nor Senate Finance looked at the costs of this bill. We have a floor amendment, would you agree, that has no cost to the State?

SENATOR D'ALLESANDRO: Thank you for the comments, Senator Larsen. That's correct. In looking at the docket, it never visited House Finance; it never visited Senate Finance. And, as a result of that, everything with regard to the cost is really supposition.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. Prescott for a question of Sen. D'Allesandro.)

SENATOR PRESCOTT: Question of constitutionality: Is this amendment constitutional, Senator?

SENATOR D'ALLESANDRO: Thank you for the question, Senator Prescott. First, let me state for the record, I am not a constitutional lawyer; I attest to that fact. I raise my right hand and say: I swear I'm not a constitutional lawyer. What I can say is the amendment has been in place in Maryland for 30 years, and as a result, its constitutionality has been imprimatured in the State of Maryland.

(The Chair recognized Sen. Prescott for a follow-up question of Sen. D'Allesandro.)

SENATOR PRESCOTT: I also realize that there is a parental consent law in Massachusetts. Do you believe the parental consent law in Massachusetts is therefore constitutional?

SENATOR D'ALLESANDRO: Thank you again, Senator Prescott, for the question. I'm led to believe that the law in Massachusetts is constitutional. Again, I'm not a constitutional scholar, but I love getting credit as one; it kind of inflates my ego. Thank you very much.

SENATOR PRESCOTT: Thank you, sir.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. I want to point out that, first of all, the story that Senator Larsen told us about Tina – I want to point out that this happened, I believe, at a time when our state

did not have a parental notification law. And, I want to also point out that the judicial bypass in this current bill would have completely met the needs of Tina as would have been addressed in that situation.

I also want to point out that under *Ayotte v. Planned Parenthood*, the then-parental notification law that we had in effect at that time was remanded back to the lower courts for corrections. And, the correction specifically was to provide a judicial bypass that they defined as adequate, and we've provided that judicial bypass. So, where the Legislature, in 2006, instead of choosing to attach the judicial bypass that the Supreme Court recommended, they chose to repeal parental notification; we are reintroducing this bill and recommending it for passage to simply put in place what the Supreme Court recommended in *Ayotte v. Planned Parenthood*.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you very much, Mister President. A lot has been made this morning about the cost and whether or not this has gone to Finance. And, I would just like to bring two things to your attention: Only one individual brought up the cost: that this could cost one-quarter of a million dollars. And, when asked by our esteemed Chair where that number came from, this person referred back to the fiscal note. And, again, the fiscal note said: "We can't determine how much it's going to cost." So, I would make the suggestion to all of you that that number is very suspect.

And, to further that, further my opinion, we had additional testimony from a woman who had worked at the Concord Feminist Health Center. And, when she was asked, again, by our esteemed Chair, about the number of young women who this would apply to under the age of 17, she responded that there are extremely few young women under the age of 17 who actually come in for an abortion and who this law would apply to.

So, again, I am speaking to this possibility of a \$250,000 charge to the State. I would suggest that that is an extremely high number and it doesn't reflect the numbers that we were given in Committee. Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just rise in opposition to this amendment. It is not workable from my seat because of the fact that the bypass mechanism would involve providers from Planned Parenthood who have a financial stake in the abortion business. And so, I adamantly oppose the amendment.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I also stand in opposition to this amendment. I have counseled individuals who have been involved with medical providers. And, from their perspective, there was really an agenda to really push the abortion option over any other option. And, they were very – some of these individuals were very frustrated with that; they did not feel that they got a balanced approach. One young woman left there frustrated and went to another center – a crisis pregnancy center – and she did go to term; she was 16 years old. And, that turned out for a very positive result. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. White, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

The following Senators voted No: Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

Yeas: 8 - Nays: 16

Failed.

(The Chair recognized Sen. Houde for a question of Sen. Groen.)

SENATOR HOUDE: Thank you very much, Senator, for taking the question. Thank you, Mister President. We've heard some discussion – we heard a lot of discussion at the hearing about how well this legislation was vested legally. In fact, when – you know I brought in these two amendments at the executive session. And, I think, if I recall correctly, at that time the principal concerns that were expressed that I recall were that changing the legislation in any way would upset the careful balance, how it was drawn, and the constitutionality of it. Is that your recollection as well?

SENATOR GROEN: My recollection is that was one of the principal concerns, but certainly not the only principal concern.

SENATOR HOUDE: I agree, speaking to the legal issue.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Groen.)

SENATOR HOUDE: Now, I'm not a constitutional attorney; I am an attorney. And so, I have some questions with respect to the vetting of this document. Has the Senate Legal Counsel reviewed this document to determine constitutionality?

SENATOR GROEN: I am not aware if he has.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Groen.)

SENATOR HOUDE: Has the Attorney General for the State of New Hampshire reviewed this statute to determine its constitutionality, since that office would be the one defending a challenge?

SENATOR GROEN: My understanding is that the House sponsor, the prime sponsor of this bill, did consider that and look at that, but I'm not aware of the process that she went through.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Groen.)

SENATOR HOUDE: Thank you, Mister President. Has the Judicial branch been consulted with respect to whether this judicial bypass procedure would be comprehensive enough to provide for confidentiality of these proceedings for minors seeking the bypass?

SENATOR GROEN: Senator Houde, what was done on this is we followed the guidelines that the Supreme Court gave to what was a constitutional parental notification bill, and they required a certain judicial bypass process. And, by implementing that process and comparing it with states who have constitutional parental notification bills, we're looking primarily at something that is going to meet Supreme Court – U.S. Supreme Court muster. And, so we looked at what they told us in Ayotte v. Planned Parenthood and we looked at what they had said in other states; we crafted a bill to meet the requirements that was similar to that and has met the requirements previously at a Supreme Court level and felt that that was very adequate to make sure that this bill would meet constitutional muster.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Groen.)

SENATOR HOUDE: Thank you Senator Groen, for taking my question. Who's "we" and "they"? Were there lawyers involved in the process of the vetting of this?

SENATOR GROEN: You were involved in the Judiciary Committee. I'm not aware of other lawyers involved. But, again, we're looking at this as it compares to exact and actual wording that was recommended by the Supreme Court in *Ayotte v. Planned Parenthood* and other states who have successfully defended their parental notification laws to the U.S. Supreme Court.

SENATOR HOUDE: Thank you, Senator.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I have anguished over this legislation every time it has surfaced since I've been here, because on its face it appears to be all about parental rights, and in reality what it does is it restricts some individuals' rights.

If I thought we could pass legislation that would disseminate perfect parenting skills, I'd do it in a minute – however you would define them. But, I can tell you, that most of you know that I have served in the schools for over 30 years. And, the students that arrive don't all arrive from those types of families; they don't all come in to us looking like they've come from the typical TV Cleaver Family where mom presents a well-balanced, hot, nutritious meal every night and everyone sits down at the table and discusses the activities of the day and they solve all their problems; that's not the reality for a lot of people.

So, therefore, I have to look at the data and see what the data tells me. And, the data tells me that 75 percent of the young women that are seeking this service come with a parent in hand, and in many cases, it's at the request of the parent. So, that leaves us with 25 percent, and half of the 25 percent have an older sister, an aunt, a grandmother, some other family member with them. So, they have that family support. So, we're looking at 12.5 percent of the young women that are seeking this solution to their problem. For whatever reason, they cannot have these communications with their parents. It could be that they were thrown out of the house; it could be a multitude of different reasons. There could even be a father saying to a daughter: "If any young man lays a hand on you, you let me know, and I'll take him out." And, that puts fear into a young woman's head – and, believe it or not, I was a young woman at one of these times.

So, what does that leave for options? A young woman can go to a court – and, she is a young woman if she's capable of reproducing; I don't care what her chronological age is. So, she can seek her resolution through a court. And, I can tell you, at the age of 15 or 16, I would never have gone to seek out a judge to solve my personal problems if I couldn't talk to my parents about things. So, I don't really think that's a real option for these women. They could go online and they could get some pharmaceutical which they think will take care of their issue; perhaps it will. Perhaps it'll make things worse. Or, perhaps they know someone who's had a little bit of medical experience, has seen a procedure done once or twice, thinks they know everything that can be done, says: "I'll help you out; we'll take care of this". They can ruin the reproductive organs of that young woman for a lifetime.

So, when we look at this legislation, while you think it's providing parental rights, 85.5 percent of these young women already have family support; it's the 12.5 percent that I'm here to defend their individual rights to get professional medical solutions. Thank you.

(The Chair recognized Sen. Merrill for a question of Sen. Groen.)

SENATOR MERRILL: Thank you. Thank you, Mister President. Thank you, Senator Groen, for taking my question. My question has to do with the medical emergency provision of HB 329. I know that pregnancy can be quite hazardous for young teens, can carry significant risks, especially for those with diabetes or obesity, and those are conditions that are so prevalent now.

In the case of medical emergency, a physician can grant an exemption from the notice, as I understand it. And, it may be unusual for a teenager to face a medical emergency without a parental involvement, but that is the circumstance that's addressed by the exceptions in HB 329: when a parent cannot be involved, and yet a pregnant teenager faces a dire health situation. So, I'd like to ask you a question about the definition of medical emergency that's in the bill. The bill says that a medical emergency means: "a condition that, on the basis of the physician's good-faith, clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death, or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function." So, I'd like to understand more about the kinds of impairments that would be included – what would qualify as substantial and irreversible. For example, would the loss of a kidney be considered irreversible damage, or would the expectation be that the young woman would lead a long, healthy life with the one kidney? What about the young woman's future fertility? Would that be an issue that would qualify, or the risk of complications in a future pregnancy? I would just like any clarification you can give about what seems to be a somewhat narrow and perhaps unclear definition. Thank you.

SENATOR GROEN: Thank you, Senator Merrill. I would see that not as a narrow definition, but we – In the case of a medical emergency, we place in the hands of the doctor the opportunity to look at that and decide what that medical emergency is. And, for us to be here in the Senate and say which items constitute a medical emergency and how severe they had to be would not be our place as the Senate; that's why we put the provision of a medical emergency in there, so the doctor could make that decision on what they determined was a serious medical emergency.

SENATOR MERRILL: Thank you.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. In times past, there have been questions asked of the Attorney General, saying: "Could you weigh in on this issue before the Senate?" And, usually the Attorney General says: "I really don't want to weigh in on this issue, because it may go to the Court, and I may have to defend the Senate or the House or the State of New Hampshire with a new law." So, they usually say: "You know, you can ask me all the questions you want, but we're really not going to be able to give you much answer." Thank you very much, Mister President.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 05

Sen. Merrill, Dist. 21

Sen. D'Allesandro, Dist. 20

May 24, 2011

2011-2170s

01/04

Floor Amendment to HB 329-FN

Amend RSA 132:32, VI as inserted by section 2 of the bill by replacing it with the following:

VI. "Minor" means any person under the age of 17 years.

Amend RSA 132:32, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. "Medical emergency" means a condition that, on the basis of the physician's good-faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial impairment of a major bodily function.

Amend RSA 132:34, II(a) and (b) as inserted by section 2 of the bill by replacing it with the following:

(a) Such a pregnant minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. Any guardian ad litem appointed under this subdivision shall maintain the confidentiality of the proceedings. The court shall inform the minor that she has the right to an attorney, that an attorney shall be appointed to her at no cost, and that the court shall provide court-appointed counsel unless the minor specifies that she does not want an appointed counsel to represent her interests.

(b) Proceedings under this section shall be held in closed court, in a court with private access where available. Proceedings under this section shall be confidential and shall ensure the anonymity of the minor. All court proceedings under this section shall be sealed. The minor shall have the right to file her petition in the court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and shall not be available to the public. These proceedings shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interest of the pregnant minor. In no case shall the court fail to rule within 48 hours from the time the petition is filed, except that the 48-hour limitation may be extended at the request of the minor. A judge of the court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained including the judge's own findings and conclusions. If the court fails to rule within the 48-hour period and an extension was not requested, then the petition shall be deemed to have been granted, and the notice requirement shall be waived.

SENATOR HOUDE: Thank you, Mister President. Before doing so, I just wanted to make it very clear, with my question and answer with Senator Groen, that I was not involved in the preparation or vetting of the language of this bill; I just want to be very clear. Being given the opportunity to address what I think are problems with that bill is where I am with the second amendment that I'm going to speak to, Mister President.

The first thing that it does is it lowers the age of required notice to young women under the age of 17. Senator Carson, I believe – who's not

there – had mentioned earlier about the bill and the numbers, had said 17 – I think she meant 18 with respect to the 40 to 50; I just thought I'd add that clarification.

What 17 would do is a number of things: eliminate a policy conflict with other New Hampshire statutes that declare a minor mature and legally responsible at the age of 17. When it comes to criminal liability or delinquency, for example, the law treats teens as adults once they are 17; we should do the same when it comes to decisions regarding unintended pregnancy. It would also, since we're reducing the age to 17 from 18, reduce the number who would presumably exercise the judicial bypass option, therefore reducing the cost, which there appears to be a debate about the cost, but clearly there's a cost. That's the first thing that it does.

The second thing that it does is it removes the word "irreversible" from the definition of medical emergency. I think, unlike my colleague, Senator Groen, on the Judiciary Committee, that the medical emergency exception is actually extremely narrow. It seems punitive to me to say that harm to the young woman has to be irreversible and substantial to a major bodily function to be considered a medical emergency.

Another provision is that it provides private access where possible in New Hampshire courts. Again, "where possible"; I say that because if we're concerned about protecting the confidentiality of the young woman seeking the judicial bypass, we know that it's supposed to be in closed court, but they have to get into the court, and if they're in certain courts that are located in city hall or if they're in courts where their folks work at, these are problematic. So, to provide private access to ensure that confidentiality.

Finally, rather than putting the burden on the minor to ask for an attorney, it changes the paradigm in my amendment so that the court shall provide the minor with an attorney unless the minor specifically rejects that counsel.

So, these are, again, to make a bill that I have concerns with about the constitutionality, remove some of the most serious concerns; these seem to me to be very reasonable, commonsense amendments. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I appreciate the good work of Senator Houde, but I still must rise in opposition to this amendment. I feel that the age of 18 is proper; I think a lot of thought was put into the original bill, and for that reason I oppose an amendment to the bill.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: I just want to respond to the irreversible medical emergency versus what would be not an irreversible... My wife, having carried and given birth to our seven children, I know would testify – no, she wouldn't testify were she here, because she would be petrified to do that. But, she would certainly concur that pregnancy itself was a major impairment to bodily functions. And therefore, if you do not state "irreversible", the pregnancy itself would be reason enough for a medical bypass because it certainly did impair bodily functions, and I can testify that from having lived with her.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, just a point of information with regard to this debate: There was a comment made by one of our colleagues – and I'm sure that it wasn't meant the way it sounded – that one would refer someone to have a procedure because it meant financial reward to the individual. I cannot believe that. I cannot believe that. I think it was certainly not the intent to indicate that. That, to me, is placing a situation before us that, from a moral and an ethical standpoint, violates many of the considerations that I bring forward at this time. I just can't believe that. Women are served for health reasons, and I can tell you that 15,000 women are served by Planned Parenthood: they get cancer screenings, they get physical examinations, they get mental and physical treatment that allows their lives to be better. I want the record to clearly indicate that, because I think my colleague didn't mean what he said. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Groen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Houde, Sanborn, Odell, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

The following Senators voted No: Forrester, Bradley, Forsythe, Groen, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

Yeas: 9 - Nays: 15

Failed.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just – As we get ready to take, hopefully, the final vote; I don't believe there'll be any more floor amendments offered – just say that fundamentally, this bill is about whether or not we're going to allow a wedge to be driven between the parent-child relationship or not. Parents need to be involved with their children. We've heard examples of bad parenting; that happens. But, we do not craft laws in this chamber to deal with on the edges or on the exceptions; we craft laws to bring things in the direction that we think they ought to go. And, the direction that they ought to go is communication between the parent and the child. We should not intrude upon that relationship; we should encourage that relationship, we should nurture that relationship, particularly when a major life event is about to occur. That's good legislation; that's what I believe we're doing here.

I also have to speak to Senator D'Allesandro's point: I appreciate you trying to give me an out about what I said about Planned Parenthood, but I will stand by my remarks that Planned Parenthood will oftentimes say that they are acting in the best interest of the child; maybe they are, maybe they aren't. But I am making the point that they are a provider of abortions; I believe they're the largest provider of abortions. That fact cannot be escaped. Parents are not in that position; they are certainly more neutral than someone who is the largest provider of that. So, I appreciate you trying to give me an out about that, but I feel fairly strongly that there is somewhat of an inherent conflict with that organization and the advice they dispense, and I'll stand by that comment.

So, I urge my colleagues to pass this bill and not intrude upon the parental relationship with their child during a time of a crisis pregnancy. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I just want to rise and would say that I hear what Senator White has said, but I would argue that this bill does exactly the opposite. I think that what we've discussed here today, it was very clear that parents and their youngsters – whether they're young men, young women – grow up in families, we all hope, and the premise is that we assume are safe and that they can communicate.

What I fear in this legislation is just the opposite; that what we have done is that we have now, looking at making law that dictates communication. Do we really want the Legislature to legislate laws that would dictate how and when families communicate with each other? And, I believe that that's what this bill does. And, do we really want government to intrude into our family privacy by compelling particular communication between parents and young people and their families? We all want secure families, and Senator Stiles has stated that very clearly. But, there are young people who do not have those kinds of families. I am concerned that this legislation does just the opposite of what Senator White has spoken to. Thank you.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I'll be very brief; I think the points that I wanted to reiterate have been made by Senator Kelly. The only point that I wanted to make is the one that I made consistently in this hearing, which is: the bill is about parental notification; it's not about a particular abortion provider. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I just rise to remind people that there are many, many good functions in government – many good functions. But, government does not belong in the doctor's office with a young woman or an older woman and the decisions they need to make in there. Government should stay out of those relationships, and that's what we've argued all along. I remind you that this is an intrusion into the private decisions of a woman and her doctor.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Groen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

Yeas: 17 - Nays: 7

Adopted, bill ordered to Third Reading.

HB 510, requiring marital masters to be New Hampshire residents. Inexpedient to Legislate, Vote 4-0. Senator Houde for the committee.

SENATOR HOUDE: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 510. This bill would have required that marital masters be New Hampshire residents. This is not, however, a requirement for other judges, and it seems inappropriate to direct the statute at one individual category of judicial officer.

Furthermore, with the passage of House Bill 609 and the establishment of the circuit court system, marital master positions will simply no longer exist once their current terms expire.

For these reasons, the Judiciary Committee recommends that this legislation not be adopted and asks for your support on the ITL. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

SUSPENSION OF SENATE RULES

Sen. Rausch moved that the Senate Rules be suspended in order to allow HB 540-FN to be reported out of the Transportation Committee, as the Committee acted after the Senate deadline.

The question is on the motion to suspend the rules. Adopted by necessary 2/3 vote.

TRANSPORTATION

HB 540-FN, relative to motor vehicle inspections. Inexpedient to Legislate, Vote 4-0. Senator Rausch for the committee.

SENATOR RAUSCH: Thank you, Mister President. I move House Bill 540 Inexpedient to Legislate. This bill changes the annual motor vehicle inspection requirement to a biennial requirement. The bill also raises the fee for inspection stickers from \$3.25 to \$6.50.

The Committee heard from many different stakeholders on the bill. After the testimony, the Committee invested their own time in researching such things as what other states do, what problems or solutions staggering inspections could create, and most importantly, the safety concerns therein.

Ultimately, the testimony from the Department of Safety weighed heaviest on the decision of the Committee. For example, the Department of Safety testified that this bill could jeopardize the safety of New Hampshire citizens, as 80,000 vehicles a year in New Hampshire fail their annual inspection due to faulty breaks. The Committee felt as though the Legislature should not experiment with the safety of New Hampshire citizens and believes these inspections are necessary and should remain as they currently stand in statute.

The Transportation Committee asks for your support for the motion of Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I rise in opposition to the ITL motion on HB 540. I am a member of the Transportation Committee, so I was there for the testimony and there for the hearings and read the studies; however, I was not, unfortunately, present to vote.

Only a minority of states require annual inspections, and there are many states that require no vehicle inspections. Numerous studies have been accomplished on whether or not it improves safety; most are inconclusive, but there was one study that did say that having a safety inspection program improved safety, however they didn't distinguish between an annual and a biennial program. So, there wasn't any evidence that a biennial was worse than an annual inspection. Whereas, there was a number of states that have biennial inspections that, on average, had as good of a safety record as those with annual.

So, I believe that HB 540 would save New Hampshire residents money while having no measurable impact on safety, and for that reason I recommend to vote "No" on the ITL motion. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I also rise in opposition to the committee recommendation of ITL. New Hampshire's one of only three states that requires statewide testing for both safety and emissions on an annual basis. I believe this was a free-market bill: well thought out, well designed by its sponsor, Keith Murphy; I thought he did a very good job with this. He pointed out to me that 30 states do not require safety inspections at all; that's up from 19 in 1976. So, this is not crazy, un-mainstream type of legislation; a majority of states are in this position, including "snow states" like Connecticut, Michigan, Colorado, New Jersey, Wisconsin, and Minnesota.

So, for that reason, I oppose the ITL recommendation of the Committee and would urge my colleagues to reverse that, and we should pass this bill. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I'll be very brief. I stand in support of the ITL on this. I've talked to quite a few service providers in my area, and they have seen a growing and alarming trend, which is, in the downturn of this economy, people have been putting off maintenance well beyond what should have been. And, one of the things that they see is especially tires, brakes, where literally they are on the edge when they come in for the inspection. And, this is the time where they can say to their clients: "You really need to look at this." If you do it every two years, it could be a real challenge. So, I heard many examples of this in my area. So, to me, that's strong enough evidence that we need to keep this on an annual basis. Thank you.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in opposition to the ITL, and like my good friend, Senator Jim Forsythe, and good friend, Senator White, I don't want to belabor all the facts that they've provided about why our state should strongly consider a two-year inspection, and point out the fact that, as many of you know, I'm a man that loves antique cars, and I'm very, very fortunate to have some. And, in our state today, right now today, if you have an antique car, it only requires an inspection every two years. Now, please don't get me wrong; I'm not asking any one of you propose legislation, because obviously I'll fight it vehemently from Senator Houde next year. We have shown and proven over and over again, and to the fact that our state allows cars to be inspected every other year. And, 30 states allow it to happen. This is the Live Free or Die State, and I ask all of my colleagues to please support me in reversing the ITL and passing the bill. Thank you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. I also rise in opposition to the ITL. I just want to bring to the notice of the Senate that in the early 1970s, the federal government required as a condition of receiving highway funds that states set up state inspection programs of motor vehicles. And, they withdrew that in the mid 1970s because there was lack of evidence that the inspection programs improved safety. So, that in itself, I think, is an indication, and they have not reinstated that as a requirement.

The second thing is, I have received a lot of similar testimony to what my colleague, Senator Luther, mentioned, from companies that are doing the inspections. But, on follow-up with them, I asked them if tires are down to 2/32nds, which is the legal minimum for a tire to pass inspection, and if a vehicle puts on the average of 12,000 or 13,000 miles a year, will it make it to the next inspection? And, they said: "No, it won't." And, I said: "If brake pads are down to 1/32nd of an inch, will that brake pad make it to the next inspection?" And, they said: "No, it won't." So then, logically, should we have six-month or three-month inspections?

So, I would submit that because there's no evidence that motor vehicle inspections improve safety, the function of government should be to do what's necessary and not what's unnecessary. And so, I would urge you to vote down ITL on this bill.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Forrester, Bradley, Houde, Odell, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Gallus, Forsythe, Groen, Sanborn, White.

Yeas: 19 - Nays: 5

Adopted.

Recess. Out of recess.

HOUSE MESSAGES

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 33, relative to the care of memorials in Franconia Notch state park. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Baldasaro, Swinford, Bolster, Parkhurst.

PRESIDENT BRAGDON: What I will do is have... The Chairman of each committee will be doing the recommendation. So, in consultation with the Chairs of the committees, we're making the recommendations.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Do we get to speak on these as we go along?

PRESIDENT BRAGDON: Yes we can; I'm sorry.

(The Chair recognized Sen. Barnes for a question of Sen. Odell.)

SENATOR BARNES: Didn't we take care of that on Senate Bill 2?

SENATOR ODELL: We may have taken care of it, but we still need to go to a committee of conference just to make sure we get the details.

PRESIDENT BRAGDON: The House has requested a committee of conference based on the changes that we made.

SENATOR BARNES: They didn't know that we had it on House Bill 2 though, did they?

SENATOR ODELL: I think that we're talking about two different bills –

SENATOR BARNES: We did that yesterday.

SENATOR ODELL: We're talking... In House Bill 2 will be the lease arrangements – no, they're not in there. So, no. There's some details that they want to work out on the House side. So, we should go to committee of conference.

SENATOR BARNES: Thank you.

SENATE ACCEDES TO REQUEST OF COMMITTEES OF CONFERENCE

HB 33, relative to the care of memorials in Franconia Notch state park.

Sen. Odell moves to accede to House Request. Adopted.

The President appointed Senators Gallus, Barnes, Merrill.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HOUSE CONFEREES: Daniels, Infantine, Laware, Goley.

Sen. Prescott moves to accede to House Request. Adopted.

The President appointed Senators White, Sanborn, Houde.

HB 299-FN, relative to the method of financing for the judicial retirement plan.

HOUSE CONFEREES: Hawkins, Cohn, Winter, Sanborn.

Sen. Carson moves to accede to House Request. Adopted.

The President appointed Senators Carson, Luther, Larsen.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HOUSE CONFEREES: Winter, Hansen, Whitehead, Bowers.

Sen. Carson moves to accede to House Request. Adopted.

The President appointed Senators Carson, Groen, Larsen.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. It's my great pleasure to introduce the students of Russell Elementary School, which happens to be in my District, from the Town of Rumney.

HB 483-FN-L, relative to mosquito control.

HOUSE CONFEREES: Sterling, Ferrante, K. Roberts, Burt.

Sen. Bradley moves to accede to House Request. Adopted.

The President appointed Senators Barnes, Lambert, Kelly.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

HOUSE CONFEREES: Patten, Ferrante, Sterling, Hooper.

Sen. Barnes moves to accede to House Request. Adopted.

The President appointed Senators Barnes, Stiles, Merrill.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: For those folks who haven't been here before, the way this thing gets set up in the past, and maybe you can tell us... I guess what I'm trying to find out is how you're going to do this. Are you going to have Senators that are on these committees – is there going to be a notice sent out so they'll know who they are? I mean, everybody's sitting here today; some folks are taking notes, some are saying: "What's going on?" Are they going to be notified?

PRESIDENT BRAGDON: The correct Senate staff will notify people of their committee assignments. These are committees that will be led by the House conferees.

SENATOR BARNES: But, the next ones coming up –

PRESIDENT BRAGDON: Yup.

SENATOR BARNES: It's going to be us. So, we're all going to get... Those on the committee are going to get a note.

PRESIDENT BRAGDON: Yes.

SENATOR BARNES: And, those of us who – and this one that just went through – the Senators that are named, we're going to get a notice, obviously, from somebody in the House; that's the procedure. We're going to get noticed when and where to meet.

PRESIDENT BRAGDON: Correct.

SENATOR BARNES: Thank you.

PRESIDENT BRAGDON: Thank you, Senator Barnes. For the ones coming up, where we do set up the committee of conference, the first-named Senator will be in charge of scheduling things with the Senate staff to make sure that happens.

HOUSE MESSAGES

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. A question for Senator Stiles.

PRESIDENT BRAGDON: She hasn't spoken, but would you like her to explain why she recommends that?

SENATOR FORSYTHE: Thank you, Mister President.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you. And, in response to your question, if you recall, when House Bill 67 came forward, which was looking at add-

ing something onto the legislative oversight, we took the language from Senator Barnes, which was Senate Bill 90, and we added that, too, so that we had both of the requests of the legislative oversight to be on one bill, which is House Bill 67. What the House did to Senate Bill 90 was they added language about the school withdrawal process, which was something that this Senate had already ITL-ed.

SENATE NONCONCURS WITH HOUSE AMENDMENT

Sen. Stiles moves nonconcurrence. Adopted.

SB 78-FN-A-L, relative to motor vehicle registration fees.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: It was my understanding that this bill came back from the House with what I believe to be an ill-advised gas tax holiday, and that this in fact, by nonconcurring, means that we are retaining the monies necessary to do bridge repair and highway repair for the next season, during which we hope all of our bridges and highways will be in wonderful shape as a result of keeping our gas taxes. Am I correct in my understanding that this in fact means there is –

PRESIDENT BRAGDON: A vote to nonconcur – the bill will fail.

SENATOR LARSEN: Thank you.

Sen. Odell moves nonconcurrence. Adopted.

HOUSE MESSAGES

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 116, relative to the manufactured housing installation standards board.

SENATE CONCURS WITH HOUSE AMENDMENT

Sen. Prescott moves concurrence. Adopted.

Sen. White asserts Rule 2-15 on SB 116.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

Sen. Prescott moves concurrence. Adopted.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

Sen. Carson moves concurrence. Adopted.

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle.

Sen. Odell moves concurrence. Adopted.

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax.

Sen. Odell moves concurrence. Adopted.

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes.

Sen. Odell moves concurrence. Adopted.

HOUSE MESSAGES

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

Sen. Prescott moves nonconcurrence and requests Committee of Conference. Adopted.

Sen. White asserts Rule 2-15 on SB 89.

President appoints Senators Bragdon, Carson, Houde.

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

Sen. Prescott moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Prescott, De Blois, Houde.

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Carson, Groen, D'Allesandro.

SB 92, establishing an economic strategic commission to review the relationship between business and government.

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Carson, Sanborn, Larsen.

SB 91, relative to automatic fire suppression sprinklers.

Sen. Barnes moves nonconcurrence and requests Committee of Conference. Adopted.

Sen. Prescott asserts Rule 2-15 on SB 91.

President appoints Senators Barnes, Boutin, Merrill.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Larsen for a parliamentary inquiry.)

SENATOR LARSEN: In the past, we had a system for notifying committee members of bills on which there was a question of concurrence or

committee of conference. It enabled the committee members – and, we actually had a system where all members were aware of what amendments we were concurring on. I would request that we continue that, such that everyone in the room is familiar with what we're concurring on. Certainly if there's a committee of conference it will be obvious what we're conferencing on, but when we're concurring it would be of assistance if the staff would prepare a quick summary, or some method by which we would all be notified of the changes that the House made. And, I just ask you to take that under consideration.

PRESIDENT BRAGDON: Thank you, Senator Larsen. The system we're trying to use here is that by Monday, all the messages to be dealt with on the following Wednesday will be sent to people via email. The information on each bill is easily available on the Internet and can be looked up and can be discussed with committee members. And then, if there are issues that come up, we can deal with them on the floor or in advance if we need to. So, at this point we want to try that.

SENATOR LARSEN: All right. Thank you.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 25-FN-A, making appropriations for capital improvements.

HB 74, relative to the ticketing and season passes at Cannon Mountain.

HB 119, (New Title) relative to agency membership on the information technology council and relative to the duties of the chief information officer.

HB 173, relative to service of process on commercial tenants.

HB 191, relative to the community mental health system.

HB 322, relative to occupancy fees charged by manufactured housing park owners.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

HB 337-FN-L, (New Title) amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

HB 355, (New Title) enabling state and local fire and building officials to issue citations for violations of certain fire safety rules and licensing violations for gas fitters, electricians, and plumbers.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security.

HB 478-FN-L, relative to testimony by video teleconference.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information.

HCR 9, (New Title) urging the President and Congress to address the privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency at the nation's airports.

HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

LIST OF RULE 2-15'S FOR THE DAY

Sen. De Blois: HB 173, HB 635-FN-A.

Sen. Sanborn: HB 173.

Sen. Prescott: SB 91.

Sen. White: SB 89, SB 116, HB 173.

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 22, relative to alternative regulation of small incumbent local exchange carriers.

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

SB 65, making technical corrections to a law relative to court facility financing.

SB 139-FN, relative to state recoveries of public assistance caused by fraud.

SB 176, relative to marriage licenses.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill sent down from the Senate:

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 109, relative to residential fire sprinklers.

HB 190, relative to legislative study committees.

HB 205-FN, relative to notice to owners of upstream dams.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.

HB 409, relative to planning board members.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.

HB 487-FN, relative to election day registrants.

HB 579, exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.

HB 585, proclaiming the third week of October as New Hampshire history week.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country.

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school.

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010.

SB 171, relative to prescription drug benefits for the treatment of pain.

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education.

May 17, 2011

2011-1986-EBA

06/09

Enrolled Bill Amendment to HB 291

The Committee on Enrolled Bills to which was referred HB 291

AN ACT relative to permissible fireworks.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 291

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 291

Amend section 1 of the bill by replacing line 2 with the following:
with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 158:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III,

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 16, 2011
2011-1955-EBA
04/03

Enrolled Bill Amendment to HB 313

The Committee on Enrolled Bills to which was referred HB 313

AN ACT requiring parental consent for court referral of a minor to a juvenile diversion program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 313

This enrolled bill amendment corrects a paragraph reference in the amending language in section 2 of the bill and inserts an omitted comma.

Enrolled Bill Amendment to HB 313

Amend section 2 of the bill by replacing lines 2-3 with the following:
II(c) to read as follows:

(c) The child and parent, guardian, or other custodian *give knowing, informed, and*

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 17, 2011
2011-1968-EBA
03/10

Enrolled Bill Amendment to HB 398

The Committee on Enrolled Bills to which was referred HB 398

AN ACT relative to service animals.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 398

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 398

Amend RSA 167-D:1, I as inserted by section 2 of the bill by replacing line 3 with the following:

be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not

Amend RSA 167-D:2, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Providing nonviolent protection or rescue work.

Amend RSA 167-D:3 as inserted by section 2 of the bill by replacing line 5 with the following:

to direct the education and upbringing of a child under his or her control is hereby affirmed; nor shall

Amend RSA 167-D:9 as inserted by section 2 of the bill by replacing line 3 with the following:

privileges conferred by law upon other persons; and the failure of a person with a disability to use a

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**May 13, 2011
2011-1916-EBA
06/03**

Enrolled Bill Amendment to HB 532-LOCAL

The Committee on Enrolled Bills to which was referred HB 532-LOCAL AN ACT relative to municipal liability for dog bites.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 532-LOCAL

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 532-LOCAL

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. RSA 466:23, relative to lawsuits against municipalities regarding damages caused by dogs.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 132, adopting and implementing the United States flag code.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 262, relative to beverage manufacturers.

HB 284, relative to contact lens prescriptions.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

HB 339, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

SB 36, relative to the permanent siting of the Hampton-Exeter District Court.

SB 81, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

SB 96, relative to amending the charter of The Pinkerton Academy.

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

SB 147, relative to Medicaid managed care.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

CONFEREE CHANGES

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

CONFEREE CHANGE: Sen. Groen Replaced Sen. Larsen
Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

June 1, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

Religious illiteracy is a growing problem for us as Americans. Surveys and studies regularly show that we are unable to name the Ten Commandments, the five Books of the Torah, or the Buddhist Four Noble Truths. Now, as Senators, you represent the people of New Hampshire; you represent their whole selves, not just their economic and medical or educational selves, but you also represent their spiritual and religious and faith selves. We might relegate the naming of the Apostles or Sacraments or something to religious trivia, but a deeper religious literacy urges us to know the spiritual and moral values that our people hold dear. It is not trivial to ask if we know the Catholic teaching on labor unions, or the Jewish teaching on the death penalty, or a Buddhist teaching about our responsibility to others. There are times when we must take these values into account; there are times when we must let them go in light of the First Amendment. Your job is to listen and discern and know which case is which case – I'm glad that's your job and not mine. The discernment and judgment is never an easy choice, but among the options that are laid before us, not knowing and ignorance is never an option. Let us pray.

Heavenly Father, You have created us as spiritual animals: wonderful creatures with bodies, minds, intellects, and souls. Give us a love of the beautiful and wonderful people of this state, that we might listen, hear, discern, and act on the values and beliefs and faiths that You have laid into their hearts.

Amen.

Sen. D'Allesandro led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

PRESIDENT BRAGDON: I will do a preemptive introduction. The two Pages we have today are from the Town of Amherst in District 11, although I'm going to be a little bit confused here because they're both named Olivia. So, instead of asking Olivia to stand, I will ask Olivia Vordenberg to stand. Olivia is in the 9th grade at Souhegan High School; she lives in Amherst. Her favorite subject is English; her favorite books are the Harry Potter series; extracurricular activities include theater, music, writing, American Sign Language. In the future she hopes to become an English teacher, an actress, and travel the world. This year, nearly 10,000

New Hampshire high school students competed in Poetry Out Loud; in March, Olivia won the competition and represented New Hampshire in Washington, D.C. Welcome.

And, our second Page today: Olivia Cunis; I hope I have that name right. Also from Souhegan High School; also a freshman at Souhegan High School in Amherst. Favorite subject is social studies; favorite book: *Rules of the Road*. Extracurricular activities include pottery lessons once a week for two hours, theater, member of the Souhegan High School concert and marching bands; in the future, she hopes to go to college and become an elementary school teacher. Welcome to the New Hampshire Senate.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. It gives me great pleasure to introduce a former member of this body and current judge in Franklin, which is of course in District 5: The Honorable Judge Gordon. Judge Gordon, welcome.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I have my father-in-law, Claire Stepnitz, up in the gallery, and am glad to have him with me.

PRESIDENT BRAGDON: Senator White, this is two sessions in a row, I think, where you've had guests; you're cut off.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

COMMITTEE REPORTS

SPECIAL ORDER

Without objection, HB 1-A and HB 2-FN-A-L are Special-Ordered to the front of the Calendar.

Adopted

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

State of New Hampshire

AMENDMENTS TO
HB 0001

AMEND SECTION 1 OF THE BILL
BY MAKING THE FOLLOWING SPECIFIC CHANGES, AND BY
CHANGING SUBTOTALS AND TOTALS AS HERINAFTER SPECIFIED
TO REFLECT THE SPECIFIED CHANGES.

FISCAL YEAR 2013

FISCAL YEAR 2012

CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	04	LEGISLATIVE BRANCH		
AGENCY:	004	LEGISLATIVE BRANCH		
ACTIVITY:	043010	GENERAL COURT JOINT EXPENSES		
ORGANIZATION:	1160	OPERATIONS		
STRIKE OUT	020	Current Expenses	70,108	70,108
INSERT IN PLACE THEREOF				
STRIKE OUT	020	Current Expenses	5,000	5,000
STRIKE OUT	022	Rents-Leases Other Than State	11,500	11,500
STRIKE OUT	026	Organizational Dues	219,029	219,029
STRIKE OUT	030	Equipment New/Replacement	100	100
STRIKE OUT	046	Consultants	2,000	2,000
STRIKE OUT	049	Transfer to Other State Agencies	3,000	3,000
STRIKE OUT	289	Legislative Contingency	1	1
STRIKE OUT	290	Legislative Printing & Binding	220,000	220,000
STRIKE OUT	291	Joint Orientation	11,000	11,000
STRIKE OUT	292	Redistricting	31,773	31,773
STRIKE OUT		TOTAL EXPENSES	878,383	878,383
INSERT IN PLACE THEREOF				
STRIKE OUT		TOTAL EXPENSES	314,872	314,872
STRIKE OUT	003	Revolving Funds	91,211	91,211

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	(CONT.)		
DEPARTMENT:	04	(CONT.)		
AGENCY:	004	(CONT.)		
ACTIVITY:	043010	(CONT.)		
ORGANIZATION:	1160	(CONT.)		
STRIKE OUT			787,172	787,172
General Fund				
INSERT IN PLACE THEREOF			314,872	314,872
General Fund				
STRIKE OUT			878,383	878,383
INSERT IN PLACE THEREOF			314,872	314,872
TOTAL FUNDS				
TOTAL EXPENSES FOR OPERATIONS			314,872	314,872
TOTAL ESTIMATED SOURCE OF FUNDS FOR OPERATIONS			314,872	314,872
GENERAL FUND			314,872	314,872
TOTAL FUNDS				
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	04	LEGISLATIVE BRANCH		
AGENCY:	004	LEGISLATIVE BRANCH		
ACTIVITY:	043010	GENERAL COURT JOINT EXPENSES		
ORGANIZATION:	8677	GENERAL COURT JOINT EXPENSES		
INSERT				
020	Current Expenses		65,108	65,108
INSERT				
022	Rents-Leases Other Than State		11,500	11,500
INSERT				
026	Organizational Dues		219,029	219,029
INSERT				
030	Equipment New/Replacement		100	100
INSERT				
046	Consultants		2,000	2,000
INSERT				
049	Transfer to Other State Agencies		3,000	3,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	04	LEGISLATIVE BRANCH	(CONT.)		
AGENCY:	004	LEGISLATIVE BRANCH	(CONT.)		
ACTIVITY:	043010	GENERAL COURT JOINT EXPENSES	(CONT.)		
ORGANIZATION:	8677	JOINT EXPENSES	(CONT.)		
INSERT					
289	Legislative Contingency			1	1
INSERT					
290	Legislative Printing & Binding			220,000	220,000
INSERT					
291	Joint Orientation			11,000	11,000
INSERT					
292	Redistricting			31,773	31,773
INSERT					
	TOTAL EXPENSES			563,511	563,511
INSERT					
003	Revolving Funds			91,211	91,211
INSERT					
	General Fund			472,300	472,300
INSERT					
	TOTAL FUNDS			563,511	563,511
	TOTAL EXPENSES FOR JOINT EXPENSES			563,511	563,511
	TOTAL ESTIMATED SOURCE OF FUNDS FOR JOINT EXPENSES				
	GENERAL FUND			472,300	472,300
	OTHER FUNDS			91,211	91,211
	TOTAL FUNDS			563,511	563,511
	TOTAL EXPENSES FOR GENERAL COURT JOINT EXPENSES			2,850,336	2,850,336
	TOTAL ESTIMATED SOURCE OF FUNDS FOR GENERAL COURT JOINT EXPENSES				
	GENERAL FUND			2,759,125	2,759,125
	OTHER FUNDS			91,211	91,211
	TOTAL FUNDS			2,850,336	2,850,336

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	04	LEGISLATIVE BRANCH		
AGENCY:	004	LEGISLATIVE BRANCH		
TOTAL EXPENSES FOR LEGISLATIVE BRANCH				
TOTAL ESTIMATED SOURCE OF FUNDS FOR LEGISLATIVE BRANCH				
GENERAL FUND			16,497,924	16,497,924
OTHER FUNDS				
TOTAL FUNDS				
TOTAL EXPENSES FOR LEGISLATIVE BRANCH				
TOTAL ESTIMATED SOURCE OF FUNDS FOR LEGISLATIVE BRANCH				
GENERAL FUND			15,914,332	15,914,332
OTHER FUNDS			583,592	583,592
TOTAL FUNDS			16,497,924	16,497,924
TOTAL EXPENSES FOR LEGISLATIVE BRANCH			16,497,924	16,497,924
TOTAL ESTIMATED SOURCE OF FUNDS FOR LEGISLATIVE BRANCH			15,914,332	15,914,332
GENERAL FUND			583,592	583,592
OTHER FUNDS			16,497,924	16,497,924
TOTAL FUNDS				
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	02	EXECUTIVE OFFICE		
AGENCY:	002	EXECUTIVE BRANCH		
ACTIVITY:	020510	GOVS COMM ON DISABILITY		
ORGANIZATION:	5910	SPECIAL OLYMPICS		
INSERT	571	Pass Thru Grants	1	1
INSERT		TOTAL EXPENSES	1	1
INSERT		General Fund	1	1
INSERT		TOTAL FUNDS	1	1
TOTAL EXPENSES FOR SPECIAL OLYMPICS			1	1
TOTAL ESTIMATED SOURCE OF FUNDS FOR SPECIAL OLYMPICS				
GENERAL FUND			1	1
TOTAL FUNDS			1	1

State of New Hampshire

AMENDMENTS TO
HB 0001

CATEGORY: 01 GENERAL GOVERNMENT
DEPARTMENT: 02 EXECUTIVE OFFICE
AGENCY: 002 EXECUTIVE BRANCH
ACTIVITY: 020510 GOVS COMM ON DISABILITY

(CONT.)
(CONT.)
(CONT.)
(CONT.)

FISCAL YEAR 2012

FISCAL YEAR 2013

TOTAL EXPENSES FOR GOVS COMM ON DISABILITY

683,326

TOTAL ESTIMATED SOURCE OF FUNDS FOR GOVS COMM ON DISABILITY

684,447

FEDERAL FUNDS

GENERAL FUND

115,601

OTHER FUNDS

387,330

TOTAL FUNDS

179,516

683,326

CATEGORY: 01 GENERAL GOVERNMENT

DEPARTMENT: 02 EXECUTIVE OFFICE

AGENCY: 002 EXECUTIVE BRANCH

ACTIVITY: 024010 OFFICE OF ENERGY - PLANNING

ORGANIZATION: 4093 CONSERVATION LAND STEWARDSHIP

STRIKE OUT

010 Personal Services-Perm. Classi

110,808

57,935

INSERT IN PLACE THEREOF

010 Personal Services-Perm. Classi

110,808

107,004

STRIKE OUT

060 Benefits

73,479

61,309

INSERT IN PLACE THEREOF

060 Benefits

73,479

77,840

STRIKE OUT

TOTAL EXPENSES

195,902

130,511

INSERT IN PLACE THEREOF

195,902

196,111

TOTAL EXPENSES

000 Federal Funds

0

17,431

STRIKE OUT

001 Transfer from Other Agencies

64,818

64,543

INSERT IN PLACE THEREOF

001 Transfer from Other Agencies

64,818

66,000

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	02	EXECUTIVE OFFICE		
AGENCY:	002	EXECUTIVE BRANCH		
ACTIVITY:	024010	OFFICE OF ENERGY - PLANNING		
ORGANIZATION:	4093	CONSERVATION LAND STEWARDSHIP		
STRIKE OUT			94,226	44,183
009 Agency Income				
INSERT IN PLACE THEREOF				
009 Agency Income			94,226	93,142
STRIKE OUT			36,858	21,785
General Fund				
INSERT IN PLACE THEREOF			36,858	19,538
General Fund				
STRIKE OUT			195,902	130,511
TOTAL FUNDS				
INSERT IN PLACE THEREOF			195,902	196,111
TOTAL FUNDS				
			195,902	196,111
TOTAL EXPENSES FOR CONSERVATION LAND STEWARDSHIP				
TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSERVATION LAND STEWARDSHIP				
FEDERAL FUNDS			0	17,431
GENERAL FUND			36,858	19,538
OTHER FUNDS			159,044	159,142
TOTAL FUNDS			195,902	196,111
GENERAL GOVERNMENT				
DEPARTMENT:	01	EXECUTIVE OFFICE		
AGENCY:	002	EXECUTIVE BRANCH		
ACTIVITY:	024010	OFFICE OF ENERGY - PLANNING		
ORGANIZATION:	4096	CONNECTICUT RIVER VALLEY		
STRIKE OUT			30,000	30,000
068 Remuneration				
STRIKE OUT			30,000	30,000
TOTAL EXPENSES			30,000	30,000
STRIKE OUT			30,000	30,000
General Fund				

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	02	EXECUTIVE OFFICE		
AGENCY:	002	EXECUTIVE BRANCH		
ACTIVITY:	024010	OFFICE OF ENERGY - PLANNING		
ORGANIZATION:	4086	CONNECTICUT RIVER VALLEY		
STRIKE OUT				
TOTAL FUNDS			30,000	30,000
TOTAL EXPENSES FOR CONNECTICUT RIVER VALLEY				
TOTAL ESTIMATED SOURCE OF FUNDS FOR CONNECTICUT RIVER VALLEY			0	0
TOTAL FUNDS			0	0
TOTAL EXPENSES FOR OFFICE OF ENERGY - PLANNING				
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF ENERGY - PLANNING			38,065,764	38,998,442
FEDERAL FUNDS				
GENERAL FUND			36,640,389	37,473,137
OTHER FUNDS			880,419	968,270
TOTAL FUNDS			38,065,764	38,998,442
TOTAL EXPENSES FOR EXECUTIVE BRANCH				
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE BRANCH			40,334,257	41,270,000
FEDERAL FUNDS				
GENERAL FUND			36,755,990	37,585,965
OTHER FUNDS			2,831,795	2,947,041
TOTAL FUNDS			40,334,257	41,270,000
TOTAL EXPENSES FOR EXECUTIVE OFFICE				
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE OFFICE			40,334,257	41,270,000
FEDERAL FUNDS				
GENERAL FUND			36,755,990	37,585,965
OTHER FUNDS			2,831,795	2,947,041
TOTAL FUNDS			40,334,257	41,270,000

State of New Hampshire

SENATE JOURNAL 1 JUNE 2011

785

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01		
DEPARTMENT:	03		
AGENCY:	003		
ACTIVITY:	030010		
ORGANIZATION:	7708		
GENERAL GOVERNMENT			
DEPARTMENT OF INFORMATION TECHNOLOGY			
INFORMATION TECHNOLOGY DEPT OF			
DEPARTMENT OF INFORMATION TECHNOLOG			
IT SALARIES AND BENEFITS			
STRIKE OUT		23,963,379	23,427,336
010 Personal Services-Perm. Classi			
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		24,020,436	23,483,668
STRIKE OUT		11,422,352	11,973,829
060 Benefits			
INSERT IN PLACE THEREOF		11,435,295	11,987,497
060 Benefits			
STRIKE OUT		39,533,612	39,509,298
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		39,603,612	39,579,298
TOTAL EXPENSES		39,269,218	39,243,145
STRIKE OUT			
001 Transfer from Other Agencies		39,339,218	39,313,145
INSERT IN PLACE THEREOF		39,533,612	39,509,298
001 Transfer from Other Agencies			
STRIKE OUT		39,603,612	39,579,298
TOTAL FUNDS			
INSERT IN PLACE THEREOF			
TOTAL FUNDS		39,603,612	39,579,298
TOTAL EXPENSES FOR IT SALARIES AND BENEFITS			
TOTAL ESTIMATED SOURCE OF FUNDS FOR IT SALARIES AND BENEFITS			
GENERAL FUND			
OTHER FUNDS			
TOTAL FUNDS			
		264,394	266,153
		39,339,218	39,313,145
		39,603,612	39,579,298

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT			
DEPARTMENT:	03	DEPARTMENT OF INFORMATION TECHNOLOGY			
AGENCY:	003	INFORMATION TECHNOLOGY DEPT OF			
ACTIVITY:	030010	DEPARTMENT OF INFORMATION TECHNOLOG			
ORGANIZATION:	7623	IT FOR SAFETY			
STRIKE OUT					
038 Technology - Software				1,321,653	1,705,852
INSERT IN PLACE THEREOF					
038 Technology - Software				821,653	1,205,852
STRIKE OUT					
2,874,585					3,366,009
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				2,374,585	2,866,009
TOTAL EXPENSES				2,874,585	3,366,009
STRIKE OUT					
001 Transfer from Other Agencies				2,374,585	2,866,009
INSERT IN PLACE THEREOF					
001 Transfer from Other Agencies				2,874,585	3,366,009
STRIKE OUT					
2,374,585					2,866,009
TOTAL FUNDS					
INSERT IN PLACE THEREOF				2,374,585	2,866,009
TOTAL FUNDS				2,374,585	2,866,009
TOTAL EXPENSES FOR IT FOR SAFETY					
TOTAL ESTIMATED SOURCE OF FUNDS FOR IT FOR SAFETY				2,374,585	2,866,009
OTHER FUNDS				2,374,585	2,866,009
TOTAL FUNDS				2,374,585	2,866,009
TOTAL EXPENSES FOR DEPARTMENT OF INFORMATION TECHNOLOG				67,399,918	67,502,316
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF INFORMATION TECHNOLOG					
GENERAL FUND				288,450	266,593
OTHER FUNDS				67,111,468	67,235,723
TOTAL FUNDS				67,399,918	67,502,316

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	03	DEPARTMENT OF INFORMATION TECHNOLOGY	(CONT.)		
AGENCY:	003	INFORMATION TECHNOLOGY DEPT OF	(CONT.)		
TOTAL EXPENSES FOR INFORMATION TECHNOLOGY DEPT OF				67,399,918	67,502,316
TOTAL ESTIMATED SOURCE OF FUNDS FOR INFORMATION TECHNOLOGY DEPT OF					
GENERAL FUND				288,450	266,593
OTHER FUNDS				67,111,468	67,235,723
TOTAL FUNDS				67,399,918	67,502,316
TOTAL EXPENSES FOR DEPARTMENT OF INFORMATION TECHNOLOGY				67,399,918	67,502,316
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF INFORMATION TECHNOLOGY					
GENERAL FUND				288,450	266,593
OTHER FUNDS				67,111,468	67,235,723
TOTAL FUNDS				67,399,918	67,502,316
CATEGORY:	01	GENERAL GOVERNMENT			
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES			
AGENCY:	014	ADMINISTRATIVE SERV, DEPT OF			
ACTIVITY:	140010	COMMISSIONER'S OFFICE			
ORGANIZATION:	1356	RETIRES HEALTH INSURANCE			
STRIKE OUT					
100 Prescription Drug Expenses				29,837,851	32,461,357
INSERT IN PLACE THEREOF					
100 Prescription Drug Expenses				28,479,398	30,119,295
STRIKE OUT					
101 Medical Payments to Providers				37,078,673	39,311,295
INSERT IN PLACE THEREOF					
101 Medical Payments to Providers				35,965,739	37,145,428
STRIKE OUT					
TOTAL EXPENSES				71,826,155	76,816,651
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				69,384,768	72,308,722
STRIKE OUT					
001 Transfer from Other Agencies				17,626,820	19,971,609
INSERT IN PLACE THEREOF					
001 Transfer from Other Agencies				16,618,591	18,226,399

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES	(CONT.)		
AGENCY:	014	ADMINISTRATIVE SERV, DEPT OF	(CONT.)		
ACTIVITY:	140010	COMMISSIONER'S OFFICE	(CONT.)		
ORGANIZATION:	1386	RETIRES HEALTH INSURANCE	(CONT.)		
STRIKE OUT					
008 Agency Income				13,951,590	13,587,806
INSERT IN PLACE THEREOF					
008 Agency Income				13,901,363	13,515,455
STRIKE OUT					
009 Agency Income				4,878,733	4,917,714
INSERT IN PLACE THEREOF					
009 Agency Income				5,518,734	5,577,714
STRIKE OUT					
General Fund				35,369,012	38,339,522
INSERT IN PLACE THEREOF					
General Fund				33,346,080	34,989,154
STRIKE OUT					
TOTAL FUNDS				71,826,155	76,816,651
INSERT IN PLACE THEREOF					
TOTAL FUNDS				69,384,768	72,308,722
TOTAL EXPENSES FOR RETIRES HEALTH INSURANCE					
TOTAL ESTIMATED SOURCE OF FUNDS FOR RETIRES HEALTH INSURANCE					
GENERAL FUND				69,384,768	72,308,722
OTHER FUNDS					
TOTAL FUNDS				33,346,080	34,989,154
				36,038,688	37,319,568
				69,384,768	72,308,722
TOTAL EXPENSES FOR COMMISSIONER'S OFFICE					
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMISSIONER'S OFFICE					
GENERAL FUND				73,887,415	76,960,034
OTHER FUNDS					
TOTAL FUNDS				36,800,337	38,599,294
				37,087,078	38,360,740
				73,887,415	76,960,034

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 01 DEPARTMENT: 14 AGENCY: 014 ACTIVITY: 141510 ORGANIZATION: 1440			
GENERAL GOVERNMENT DEPT ADMINISTRATIVE SERVICES ADMINISTRATIVE SERV, DEPT OF BUR PLANT/PROP MANAGEMENT PLANT - PROPERTY ADMINISTRATION			
STRIKE OUT		65,610	65,698
010 Personal Services-Perm. Classi			
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		122,697	123,364
STRIKE OUT		60,218	62,079
060 Benefits			
INSERT IN PLACE THEREOF		87,279	90,810
060 Benefits			
STRIKE OUT		259,426	258,180
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		343,574	344,377
TOTAL EXPENSES		259,426	258,180
STRIKE OUT			
General Fund		343,574	344,377
INSERT IN PLACE THEREOF			
General Fund		259,426	258,180
STRIKE OUT			
TOTAL FUNDS		343,574	344,377
INSERT IN PLACE THEREOF			
TOTAL FUNDS		343,574	344,377
TOTAL EXPENSES FOR PLANT - PROPERTY ADMINISTRATION			
TOTAL ESTIMATED SOURCE OF FUNDS FOR PLANT - PROPERTY ADMINISTRATION			
GENERAL FUND			
TOTAL FUNDS			
CATEGORY: 01 DEPARTMENT: 14 AGENCY: 014 ACTIVITY: 141510 ORGANIZATION: 8000			
GENERAL GOVERNMENT DEPT ADMINISTRATIVE SERVICES ADMINISTRATIVE SERV, DEPT OF BUR PLANT/PROP MANAGEMENT SURPLUS FOOD			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES	(CONT.)		
AGENCY:	014	ADMINISTRATIVE SERV. DEPT OF	(CONT.)		
ACTIVITY:	141510	BUR PLANT/PROP MANAGEMENT	(CONT.)		
ORGANIZATION:	8000	SURPLUS FOOD	(CONT.)		
INSERT					
004	Intra-Agency Transfers			15,960	16,095
STRIKE OUT					
009	Agency Income			693,620	701,553
INSERT IN PLACE THEREOF					
009	Agency Income			661,700	669,363
INSERT					
General Fund					
STRIKE OUT				15,960	16,095
TOTAL FUNDS				693,620	701,553
INSERT IN PLACE THEREOF					
TOTAL FUNDS				693,620	701,553
TOTAL EXPENSES FOR SURPLUS FOOD					
TOTAL ESTIMATED SOURCE OF FUNDS FOR SURPLUS FOOD					
GENERAL FUND				693,620	701,553
OTHER FUNDS					
TOTAL FUNDS				15,960	16,095
				677,660	685,458
				693,620	701,553
CATEGORY:	01	GENERAL GOVERNMENT			
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES			
AGENCY:	014	ADMINISTRATIVE SERV. DEPT OF			
ACTIVITY:	141510	BUR PLANT/PROP MANAGEMENT			
ORGANIZATION:	8175	TEMPORARY EMERGENCY FOOD ASSIS			
INSERT					
029	Intra-Agency Transfers			15,960	16,095
STRIKE OUT					
072	Grants-Federal			250,000	250,000
INSERT IN PLACE THEREOF					
072	Grants-Federal			234,040	233,905

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES	(CONT.)		
AGENCY:	014	ADMINISTRATIVE SERV, DEPT OF	(CONT.)		
ACTIVITY:	141510	BUR PLANT/PROP MANAGEMENT	(CONT.)		
ORGANIZATION:	8175	TEMPORARY EMERGENCY FOOD ASSIS	(CONT.)		
STRIKE OUT				250,750	250,750
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				250,750	250,750
TOTAL EXPENSES					
				250,750	250,750
TOTAL EXPENSES FOR TEMPORARY EMERGENCY FOOD ASSIS					
TOTAL ESTIMATED SOURCE OF FUNDS FOR TEMPORARY EMERGENCY FOOD ASSIS				250,750	250,750
FEDERAL FUNDS				250,750	250,750
TOTAL FUNDS					
				37,858,054	38,206,616
TOTAL EXPENSES FOR BUR PLANT/PROP MANAGEMENT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUR PLANT/PROP MANAGEMENT				313,053	318,078
FEDERAL FUNDS				9,754,491	9,824,461
GENERAL FUND				27,790,510	28,064,077
OTHER FUNDS					38,206,616
TOTAL FUNDS				37,858,054	38,206,616
CATEGORY:	01	GENERAL GOVERNMENT			
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES			
AGENCY:	014	ADMINISTRATIVE SERV, DEPT OF			
ACTIVITY:	142010	FINANCIAL DATA MANAGEMENT			
ORGANIZATION:	1370	FINANCIAL DATA MANAGEMENT			
STRIKE OUT					
037 Technology - Hardware				26,500	34,500
INSERT IN PLACE THEREOF					
037 Technology - Hardware				32,500	40,800
STRIKE OUT					
038 Technology - Software				662,309	682,117
INSERT IN PLACE THEREOF					
038 Technology - Software				670,340	713,077

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES	(CONT.)		
AGENCY:	014	ADMINISTRATIVE SERV, DEPT OF	(CONT.)		
ACTIVITY:	142010	FINANCIAL DATA MANAGEMENT	(CONT.)		
ORGANIZATION:	1370	FINANCIAL DATA MANAGEMENT	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES				5,857,061	5,863,663
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				5,871,092	5,900,923
STRIKE OUT		General Fund		5,857,061	5,863,663
INSERT IN PLACE THEREOF		General Fund			
STRIKE OUT				5,871,092	5,900,923
TOTAL FUNDS					
INSERT IN PLACE THEREOF				5,857,061	5,863,663
TOTAL FUNDS				5,871,092	5,900,923
TOTAL EXPENSES FOR FINANCIAL DATA MANAGEMENT				5,871,092	5,900,923
TOTAL ESTIMATED SOURCE OF FUNDS FOR FINANCIAL DATA MANAGEMENT					
GENERAL FUND				5,871,092	5,900,923
TOTAL FUNDS				5,871,092	5,900,923
TOTAL EXPENSES FOR FINANCIAL DATA MANAGEMENT				5,872,935	5,902,766
TOTAL ESTIMATED SOURCE OF FUNDS FOR FINANCIAL DATA MANAGEMENT					
GENERAL FUND				5,872,935	5,902,766
TOTAL FUNDS				5,872,935	5,902,766
TOTAL EXPENSES FOR ADMINISTRATIVE SERV. DEPT OF				121,115,826	124,552,003
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATIVE SERV. DEPT OF					
FEDERAL FUNDS				313,053	318,078
GENERAL FUND				55,644,619	57,528,182
OTHER FUNDS				65,158,154	66,705,743
TOTAL FUNDS				121,115,826	124,552,003

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)	
DEPARTMENT:	14	DEPT ADMINISTRATIVE SERVICES	(CONT.)	
TOTAL EXPENSES FOR DEPT ADMINISTRATIVE SERVICES				
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT ADMINISTRATIVE SERVICES				
FEDERAL FUNDS			313,053	318,078
GENERAL FUND			55,644,619	57,528,182
OTHER FUNDS			65,158,154	66,705,743
TOTAL FUNDS			121,115,826	124,552,003
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	32	DEPARTMENT OF STATE		
AGENCY:	032	SECRETARY OF STATE		
ACTIVITY:	324010	VITAL RECORDS		
ORGANIZATION:	5176	VITAL RECORDS BUREAU		
INSERT				
011 Personal Services-Unclassified			1	1
STRIKE OUT				
TOTAL EXPENSES			600,194	594,526
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			600,195	594,527
STRIKE OUT				
General Fund			317,630	314,221
INSERT IN PLACE THEREOF				
General Fund			317,631	314,222
STRIKE OUT				
TOTAL FUNDS			600,194	594,526
INSERT IN PLACE THEREOF				
TOTAL FUNDS			600,195	594,527
TOTAL EXPENSES FOR VITAL RECORDS BUREAU			600,195	594,527
TOTAL ESTIMATED SOURCE OF FUNDS FOR VITAL RECORDS BUREAU				
FEDERAL FUNDS			282,564	280,305
GENERAL FUND			317,631	314,222
TOTAL FUNDS			600,195	594,527

State of New Hampshire

AMENDMENTS TO
HB 0001

		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01		
DEPARTMENT:	32		
AGENCY:	032		
ACTIVITY:	324010		
ORGANIZATION:	5153		
	VITAL RECORDS IMPROVEMENT FUND		
STRIKE OUT			
027 Transfers To DOIT		458,329	439,696
INSERT IN PLACE THEREOF			
027 Transfers To DOIT		528,329	509,696
STRIKE OUT			
060 Benefits		63,540	65,570
INSERT IN PLACE THEREOF			
060 Benefits		35,172	35,025
STRIKE OUT			
TOTAL EXPENSES		702,319	657,507
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		743,951	696,962
STRIKE OUT			
003 Revolving Funds		702,319	657,507
INSERT IN PLACE THEREOF			
003 Revolving Funds		743,951	696,962
STRIKE OUT			
TOTAL FUNDS			
INSERT IN PLACE THEREOF		702,319	657,507
TOTAL FUNDS		743,951	696,962
TOTAL EXPENSES FOR VITAL RECORDS IMPROVEMENT FUND			
TOTAL ESTIMATED SOURCE OF FUNDS FOR VITAL RECORDS IMPROVEMENT FUND			
OTHER FUNDS			
TOTAL FUNDS		743,951	696,962
		743,951	696,962

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	32	DEPARTMENT OF STATE		
AGENCY:	032	SECRETARY OF STATE		
ACTIVITY:	324010	VITAL RECORDS		
TOTAL EXPENSES FOR VITAL RECORDS			1,344,146	1,291,489
TOTAL ESTIMATED SOURCE OF FUNDS FOR VITAL RECORDS				
FEDERAL FUNDS			282,564	280,305
GENERAL FUND			317,631	314,222
OTHER FUNDS			743,951	696,962
TOTAL FUNDS			1,344,146	1,291,489
TOTAL EXPENSES FOR SECRETARY OF STATE			8,124,921	8,086,655
TOTAL ESTIMATED SOURCE OF FUNDS FOR SECRETARY OF STATE				
FEDERAL FUNDS			282,564	280,305
GENERAL FUND			1,676,080	1,669,656
OTHER FUNDS			6,166,277	6,136,694
TOTAL FUNDS			8,124,921	8,086,655
TOTAL EXPENSES FOR DEPARTMENT OF STATE			8,124,921	8,086,655
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF STATE				
FEDERAL FUNDS			282,564	280,305
GENERAL FUND			1,676,080	1,669,656
OTHER FUNDS			6,166,277	6,136,694
TOTAL FUNDS			8,124,921	8,086,655
CATEGORY: 01 GENERAL GOVERNMENT				
DEPARTMENT: 34 DEPT OF CULTURAL RESOURCES				
AGENCY: 034 CULTURAL RESOURCES, DEPT OF				
ACTIVITY: 340010 OFFICE OF THE COMMISSIONER				
ORGANIZATION: 6999 ADMINISTRATION - SUPPORT				
STRIKE OUT			152,755	149,290
010 Personal Services-Perm. Classi				
INSERT IN PLACE THEREOF			185,715	181,387
010 Personal Services-Perm. Classi				

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	34	DEPT OF CULTURAL RESOURCES	(CONT.)		
AGENCY:	034	CULTURAL RESOURCES, DEPT OF	(CONT.)		
ACTIVITY:	340010	OFFICE OF THE COMMISSIONER	(CONT.)		
ORGANIZATION:	6999	ADMINISTRATION - SUPPORT	(CONT.)		
STRIKE OUT					
060 Benefits				133,760	140,665
INSERT IN PLACE THEREOF					
060 Benefits				166,020	175,323
STRIKE OUT					
TOTAL EXPENSES				856,149	835,013
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				921,369	901,768
STRIKE OUT					
General Fund				616,149	595,013
INSERT IN PLACE THEREOF					
General Fund				681,369	661,768
STRIKE OUT					
TOTAL FUNDS				856,149	835,013
INSERT IN PLACE THEREOF					
TOTAL FUNDS				921,369	901,768
TOTAL EXPENSES FOR ADMINISTRATION - SUPPORT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION - SUPPORT				921,369	901,768
GENERAL FUND					
OTHER FUNDS				681,369	661,768
TOTAL FUNDS				240,000	240,000
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER					
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				921,369	901,768
GENERAL FUND					
OTHER FUNDS				1,101,540	1,085,095
TOTAL FUNDS					
				861,540	845,095
				240,000	240,000
				1,101,540	1,085,095

State of New Hampshire

SENATE JOURNAL 1 JUNE 2011

797

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01		
DEPARTMENT:	34		
AGENCY:	034		
ACTIVITY:	340510		
ORGANIZATION:	7000		
GENERAL GOVERNMENT			
DEPT OF CULTURAL RESOURCES			
CULTURAL RESOURCES, DEPT OF			
STATE LIBRARY			
CENTRAL LIBRARY SERVICES			
STRIKE OUT		648,594	628,713
010 Personal Services-Perm. Classi			
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		675,934	656,040
STRIKE OUT		365,775	383,448
060 Benefits			
INSERT IN PLACE THEREOF		386,898	406,178
060 Benefits			
STRIKE OUT		1,158,558	1,152,865
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		1,207,021	1,202,922
TOTAL EXPENSES		1,158,558	1,152,865
STRIKE OUT			
General Fund		1,207,021	1,202,922
INSERT IN PLACE THEREOF			
General Fund		1,158,558	1,152,865
STRIKE OUT		1,207,021	1,202,922
INSERT IN PLACE THEREOF			
TOTAL FUNDS			
TOTAL EXPENSES FOR CENTRAL LIBRARY SERVICES		1,207,021	1,202,922
TOTAL ESTIMATED SOURCE OF FUNDS FOR CENTRAL LIBRARY SERVICES		1,207,021	1,202,922
GENERAL FUND		1,207,021	1,202,922
TOTAL FUNDS			

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	34	DEPT OF CULTURAL RESOURCES		
AGENCY:	034	CULTURAL RESOURCES, DEPT OF		
ACTIVITY:	340510	STATE LIBRARY		
TOTAL EXPENSES FOR STATE LIBRARY			3,475,985	3,590,663
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE LIBRARY				
FEDERAL FUNDS			1,809,117	1,900,959
GENERAL FUND			1,497,043	1,516,021
OTHER FUNDS			169,825	173,683
TOTAL FUNDS			3,475,985	3,590,663
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	34	DEPT OF CULTURAL RESOURCES		
AGENCY:	034	CULTURAL RESOURCES, DEPT OF		
ACTIVITY:	341010	DIVISION OF THE ARTS		
ORGANIZATION:	1250	STATE ARTS DEVELOPMENT		
STRIKE OUT			1	1
010 Personal Services-Perm. Classi				
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi			99,137	95,487
STRIKE OUT			1	1
020 Current Expenses				
INSERT IN PLACE THEREOF				
020 Current Expenses			5,607	5,607
STRIKE OUT			1	1
060 Benefits				
INSERT IN PLACE THEREOF				
060 Benefits			63,110	66,741
STRIKE OUT			1	1
073 Grants-Non Federal				
INSERT IN PLACE THEREOF				
073 Grants-Non Federal			255,000	255,000
STRIKE OUT			4,705	4,705
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			427,555	427,536
TOTAL EXPENSES				

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	(CONT.)		
DEPARTMENT:	34	(CONT.)		
AGENCY:	034	(CONT.)		
ACTIVITY:	341010	(CONT.)		
ORGANIZATION:	1250	(CONT.)		
STRIKE OUT			4,705	4,705
General Fund				
INSERT IN PLACE THEREOF				
General Fund			427,555	427,536
STRIKE OUT			4,705	4,705
TOTAL FUNDS				
INSERT IN PLACE THEREOF			427,555	427,536
TOTAL FUNDS				
TOTAL EXPENSES FOR STATE ARTS DEVELOPMENT			427,555	427,536
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE ARTS DEVELOPMENT			427,555	427,536
GENERAL FUND			427,555	427,536
TOTAL FUNDS				
TOTAL EXPENSES FOR DIVISION OF THE ARTS			1,428,858	1,432,664
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF THE ARTS			1,001,302	1,005,127
FEDERAL FUNDS			427,556	427,537
GENERAL FUND			1,428,858	1,432,664
TOTAL FUNDS				
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	34	DEPT OF CULTURAL RESOURCES		
AGENCY:	034	CULTURAL RESOURCES, DEPT OF		
ACTIVITY:	340010	OFFICE OF THE COMMISSIONER		
ORGANIZATION:	3440	OLD STATE HOUSE GRANT		
INSERT			1,000	0
020		Current Expenses		
INSERT			2,295	0
040		Indirect Costs		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	34	DEPT OF CULTURAL RESOURCES	(CONT.)		
AGENCY:	034	CULTURAL RESOURCES, DEPT OF	(CONT.)		
ACTIVITY:	340010	OFFICE OF THE COMMISSIONER	(CONT.)		
ORGANIZATION:	3440	OLD STATE HOUSE GRANT	(CONT.)		
INSERT					
041	Audit Fund Set Aside			23	0
INSERT					
070	In-State Travel Reimbursement			605	0
INSERT					
102	Contracts for program services			28,099	0
INSERT					
TOTAL EXPENSES				32,022	0
INSERT					
000	Federal Funds			32,022	0
INSERT					
TOTAL FUNDS				32,022	0
TOTAL EXPENSES FOR OLD STATE HOUSE GRANT				32,022	0
TOTAL ESTIMATED SOURCE OF FUNDS FOR OLD STATE HOUSE GRANT				32,022	0
FEDERAL FUNDS				32,022	0
TOTAL FUNDS				32,022	0
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER				32,022	0
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				32,022	0
FEDERAL FUNDS				32,022	0
TOTAL FUNDS				32,022	0
TOTAL EXPENSES FOR CULTURAL RESOURCES, DEPT OF				7,311,828	7,369,771
TOTAL ESTIMATED SOURCE OF FUNDS FOR CULTURAL RESOURCES, DEPT OF				3,726,086	3,789,888
FEDERAL FUNDS				3,175,917	3,166,200
GENERAL FUND				409,825	413,683
OTHER FUNDS				7,311,828	7,369,771
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	34	DEPT OF CULTURAL RESOURCES		
		(CONT.)		
		(CONT.)		
TOTAL EXPENSES FOR DEPT OF CULTURAL RESOURCES			7,311,828	7,369,771
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF CULTURAL RESOURCES				
FEDERAL FUNDS			3,726,086	3,789,888
GENERAL FUND			3,175,917	3,166,200
OTHER FUNDS			409,825	413,683
TOTAL FUNDS			7,311,828	7,369,771
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	84	DEPT OF REVENUE ADMINISTRATION		
AGENCY:	084	REVENUE ADMINISTRATION-DEPT OF		
ACTIVITY:	841010	PROPERTY APPRAISAL		
ORGANIZATION:	7890	EXCAVATION		
INSERT	010	Personal Services-Perm. Classi	66,810	64,380
INSERT	020	Current Expenses	500	500
INSERT	060	Benefits	39,016	41,085
INSERT	070	In-State Travel Reimbursement	2,000	2,000
INSERT		TOTAL EXPENSES	108,326	107,965
INSERT	003	Revolving Funds	108,326	107,965
INSERT		TOTAL FUNDS	108,326	107,965
TOTAL EXPENSES FOR EXCAVATION			108,326	107,965
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXCAVATION				
OTHER FUNDS			108,326	107,965
TOTAL FUNDS			108,326	107,965

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01 GENERAL GOVERNMENT		
DEPARTMENT:	84 DEPT OF REVENUE ADMINISTRATION		
AGENCY:	084 REVENUE ADMINISTRATION-DEPT OF		
ACTIVITY:	841010 PROPERTY APPRAISAL		
ORGANIZATION:	1871 TIMBER TAX ADMINISTRATION		
INSERT			
010 Personal Services-Perm. Classi		94,831	94,899
INSERT			
060 Benefits		60,276	64,452
INSERT			
TOTAL EXPENSES		155,107	159,351
INSERT			
General Fund		155,107	159,351
INSERT			
TOTAL FUNDS		155,107	159,351
TOTAL EXPENSES FOR TIMBER TAX ADMINISTRATION			
TOTAL ESTIMATED SOURCE OF FUNDS FOR TIMBER TAX ADMINISTRATION			
GENERAL FUND		155,107	159,351
TOTAL FUNDS		155,107	159,351
TOTAL EXPENSES FOR PROPERTY APPRAISAL			
TOTAL ESTIMATED SOURCE OF FUNDS FOR PROPERTY APPRAISAL			
GENERAL FUND		3,130,798	3,149,925
OTHER FUNDS		145,278	145,895
TOTAL FUNDS		3,276,076	3,295,820
TOTAL EXPENSES FOR REVENUE ADMINISTRATION-DEPT OF			
TOTAL ESTIMATED SOURCE OF FUNDS FOR REVENUE ADMINISTRATION-DEPT OF			
GENERAL FUND		16,573,582	16,441,949
OTHER FUNDS		16,428,304	16,296,054
TOTAL FUNDS		145,278	145,895
		16,573,582	16,441,949

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	84	DEPT OF REVENUE ADMINISTRATION		
		(CONT.)		
		(CONT.)		
TOTAL EXPENSES FOR DEPT OF REVENUE ADMINISTRATION			16,573,582	16,441,949
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF REVENUE ADMINISTRATION			16,428,304	16,296,054
GENERAL FUND			145,278	145,895
OTHER FUNDS			16,573,582	16,441,949
TOTAL FUNDS				
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	38	STATE TREASURY		
AGENCY:	038	TREASURY- DEPT OF		
ACTIVITY:	380010	TREASURY DEPARTMENT		
ORGANIZATION:	2076	DEBT SERVICE		
STRIKE OUT				
043	Debt Service		72,290,440	73,885,183
INSERT IN PLACE THEREOF				
043	Debt Service		72,493,940	74,335,350
STRIKE OUT				
TOTAL EXPENSES			95,983,279	98,622,157
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			96,186,779	99,072,324
STRIKE OUT				
General Fund			93,863,723	96,502,601
INSERT IN PLACE THEREOF				
General Fund			94,067,223	96,952,768
STRIKE OUT				
TOTAL FUNDS				
INSERT IN PLACE THEREOF			95,983,279	98,622,157
TOTAL FUNDS			96,186,779	99,072,324

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	38	STATE TREASURY		
AGENCY:	038	TREASURY-DEPT OF		
ACTIVITY:	380010	TREASURY DEPARTMENT		
ORGANIZATION:	2076	DEBT SERVICE		
TOTAL EXPENSES FOR DEBT SERVICE			96,186,779	99,072,324
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEBT SERVICE				
FEDERAL FUNDS			2,119,556	2,119,556
GENERAL FUND			94,067,223	96,952,768
TOTAL FUNDS			96,186,779	99,072,324
TOTAL EXPENSES FOR TREASURY DEPARTMENT			170,707,096	173,444,725
TOTAL ESTIMATED SOURCE OF FUNDS FOR TREASURY DEPARTMENT				
FEDERAL FUNDS			2,119,556	2,119,556
GENERAL FUND			153,864,647	156,761,457
OTHER FUNDS			14,722,893	14,563,712
TOTAL FUNDS			170,707,096	173,444,725
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	38	STATE TREASURY		
AGENCY:	038	TREASURY-DEPT OF		
ACTIVITY:	381010	UNIQUE PROGRAM		
ORGANIZATION:	1047	UNIQUE PROGRAM		
STRIKE OUT				
020 Current Expenses			221,654	222,693
INSERT IN PLACE THEREOF				
020 Current Expenses			280,554	284,193
INSERT				
026 Organizational Dues			11,100	13,500
INSERT				
107 Scholarships & Grants			5,000,000	2,000,000
STRIKE OUT				
TOTAL EXPENSES			250,000	250,000
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			5,300,000	2,325,000

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	38	STATE TREASURY		
AGENCY:	038	TREASURY- DEPT OF		
ACTIVITY:	381010	UNIQUE PROGRAM		
ORGANIZATION:	1047	UNIQUE PROGRAM		
STRIKE OUT			250,000	250,000
009 Agency Income				
INSERT IN PLACE THEREOF			5,300,000	2,325,000
009 Agency Income				
STRIKE OUT			250,000	250,000
TOTAL FUNDS			5,300,000	2,325,000
INSERT IN PLACE THEREOF				
TOTAL FUNDS			5,300,000	2,325,000
TOTAL EXPENSES FOR UNIQUE PROGRAM				
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIQUE PROGRAM			5,300,000	2,325,000
OTHER FUNDS			5,300,000	2,325,000
TOTAL FUNDS			5,300,000	2,325,000
TOTAL EXPENSES FOR UNIQUE PROGRAM				
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIQUE PROGRAM			5,300,000	2,325,000
OTHER FUNDS			5,300,000	2,325,000
TOTAL FUNDS			5,300,000	2,325,000
TOTAL EXPENSES FOR TREASURY- DEPT OF			177,946,439	177,706,647
TOTAL ESTIMATED SOURCE OF FUNDS FOR TREASURY- DEPT OF				
FEDERAL FUNDS			2,119,556	2,119,556
GENERAL FUND			153,865,047	156,761,857
OTHER FUNDS			21,961,836	18,825,234
TOTAL FUNDS			177,946,439	177,706,647

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	38	STATE TREASURY		
		(CONT.)		
		(CONT.)		
TOTAL EXPENSES FOR STATE TREASURY			177,946,439	177,706,647
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE TREASURY				
FEDERAL FUNDS			2,119,556	2,119,556
OTHER FUNDS			153,865,047	156,761,857
TOTAL FUNDS			21,961,836	18,825,234
			177,946,439	177,706,647
CATEGORY: 01		GENERAL GOVERNMENT		
DEPARTMENT: 89		BOARD OF TAX & LAND APPEALS		
AGENCY: 089		TAX - LAND APPEALS- BOARD OF		
ACTIVITY: 890010		BOARD OF TAX - LAND APPEALS		
ORGANIZATION: 1241		BOARD OF TAX - LAND APPEALS		
STRIKE OUT				
011 Personal Services-Unclassified			273,379	226,382
INSERT IN PLACE THEREOF				
011 Personal Services-Unclassified			241,334	226,382
STRIKE OUT			286,386	284,632
060 Benefits				
INSERT IN PLACE THEREOF			273,120	285,271
060 Benefits				
STRIKE OUT				
TOTAL EXPENSES			1,003,736	956,539
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			958,425	957,178
STRIKE OUT			854,284	805,260
General Fund				
INSERT IN PLACE THEREOF				
General Fund			808,983	805,899
STRIKE OUT				
TOTAL FUNDS			1,003,736	956,539
INSERT IN PLACE THEREOF				
TOTAL FUNDS			958,425	957,178

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	89	BOARD OF TAX & LAND APPEALS	(CONT.)		
AGENCY:	899	TAX - LAND APPEALS- BOARD OF	(CONT.)		
ACTIVITY:	890010	BOARD OF TAX - LAND APPEALS	(CONT.)		
ORGANIZATION:	1241	BOARD OF TAX - LAND APPEALS	(CONT.)		
TOTAL EXPENSES FOR BOARD OF TAX - LAND APPEALS				958,425	957,178
TOTAL ESTIMATED SOURCE OF FUNDS FOR BOARD OF TAX - LAND APPEALS					
GENERAL FUND				808,983	805,899
OTHER FUNDS				149,442	151,279
TOTAL FUNDS				958,425	957,178
TOTAL EXPENSES FOR BOARD OF TAX - LAND APPEALS				958,425	957,178
TOTAL ESTIMATED SOURCE OF FUNDS FOR BOARD OF TAX - LAND APPEALS					
GENERAL FUND				808,983	805,899
OTHER FUNDS				149,442	151,279
TOTAL FUNDS				958,425	957,178
TOTAL EXPENSES FOR TAX - LAND APPEALS- BOARD OF				958,425	957,178
TOTAL ESTIMATED SOURCE OF FUNDS FOR TAX - LAND APPEALS- BOARD OF					
GENERAL FUND				808,983	805,899
OTHER FUNDS				149,442	151,279
TOTAL FUNDS				958,425	957,178
TOTAL EXPENSES FOR BOARD OF TAX & LAND APPEALS				958,425	957,178
TOTAL ESTIMATED SOURCE OF FUNDS FOR BOARD OF TAX & LAND APPEALS					
GENERAL FUND				808,983	805,899
OTHER FUNDS				149,442	151,279
TOTAL FUNDS				958,425	957,178

State of New Hampshire

AMENDMENTS TO
HB 0001

FISCAL YEAR 2012 FISCAL YEAR 2013

CATEGORY: 01 GENERAL GOVERNMENT
DEPARTMENT: 59 NH RETIREMENT SYSTEM
AGENCY: 059 NH RETIREMENT SYSTEM
ACTIVITY: 590010 N.H. RETIREMENT SYSTEM
ORGANIZATION: 1051 ADMINISTRATION

INSERT

037 Technology - Hardware

STRIKE OUT

038 Technology - Software

INSERT IN PLACE THEREOF

038 Technology - Software

STRIKE OUT

TOTAL EXPENSES

INSERT IN PLACE THEREOF

TOTAL EXPENSES

TOTAL EXPENSES FOR ADMINISTRATION

TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION

OTHER FUNDS

TOTAL FUNDS

TOTAL EXPENSES FOR N.H. RETIREMENT SYSTEM

TOTAL ESTIMATED SOURCE OF FUNDS FOR N.H. RETIREMENT SYSTEM

OTHER FUNDS

TOTAL FUNDS

CATEGORY: 01 GENERAL GOVERNMENT
DEPARTMENT: 59 NH RETIREMENT SYSTEM
AGENCY: 059 NH RETIREMENT SYSTEM
ACTIVITY: 590510 STATE CONTRIBUTIONS
ORGANIZATION: 1052 STATE CONTRIBUTIONS

STRIKE OUT

064 Ret-Pension Bene-Health Ins

STRIKE OUT

TOTAL EXPENSES

Prepared By: Office of Legislative Budget Assistant
Run Time: 5/26/2011 6:20:10PM

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	01	(CONT.)			
DEPARTMENT:	59	(CONT.)			
AGENCY:	059	(CONT.)			
ACTIVITY:	590510	(CONT.)			
ORGANIZATION:	1052	(CONT.)			
STRIKE OUT	General Fund	4,600,000		2,700,000	
STRIKE OUT	TOTAL FUNDS	4,600,000		2,700,000	
STRIKE OUT					
<p>					
THE RETIREMENT SYSTEM SHALL PROVIDE QUARTERLY REPORTS TO THE FISCAL COMMITTEE OF THE GENERAL COURT BY CITY AND TOWN OF THE AMOUNTS EXPENDED FROM THIS APPROPRIATION.					
INSERT					
THE RETIREMENT SYSTEM SHALL PROVIDE QUARTERLY REPORTS TO THE FISCAL COMMITTEE OF THE GENERAL COURT BY CITY AND TOWN OF THE AMOUNTS EXPENDED FROM THIS APPROPRIATION.					
TOTAL EXPENSES FOR STATE CONTRIBUTIONS		0		0	
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE CONTRIBUTIONS		0		0	
TOTAL FUNDS					
TOTAL EXPENSES FOR STATE CONTRIBUTIONS		0		0	
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE CONTRIBUTIONS		0		0	
TOTAL FUNDS					
TOTAL EXPENSES FOR N H RETIREMENT SYSTEM		8,578,930		8,582,143	
TOTAL ESTIMATED SOURCE OF FUNDS FOR N H RETIREMENT SYSTEM		8,578,930		8,582,143	
OTHER FUNDS		8,578,930		8,582,143	
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	59	NH RETIREMENT SYSTEM		
		(CONT.)		
		(CONT.)		
TOTAL EXPENSES FOR NH RETIREMENT SYSTEM			8,578,930	8,582,143
TOTAL ESTIMATED SOURCE OF FUNDS FOR NH RETIREMENT SYSTEM			8,578,930	8,582,143
OTHER FUNDS			8,578,930	8,582,143
TOTAL FUNDS				
CATEGORY: 01		GENERAL GOVERNMENT		
DEPARTMENT: 05		EXECUTIVE COUNCIL		
AGENCY: 005		EXECUTIVE COUNCIL		
ACTIVITY: 052010		EXECUTIVE COUNCIL		
ORGANIZATION: 1001		EXECUTIVE COUNCIL		
STRIKE OUT				
020 Current Expenses			2,423	8,502
INSERT IN PLACE THEREOF				
020 Current Expenses			9,780	9,780
STRIKE OUT			2,189	2,469
050 Personal Service-Temp/Appointe				
INSERT IN PLACE THEREOF			15,000	15,000
050 Personal Service-Temp/Appointe				
STRIKE OUT			216,155	216,155
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			236,323	229,964
TOTAL EXPENSES			216,155	216,155
STRIKE OUT				
General Fund				
INSERT IN PLACE THEREOF			236,323	229,964
General Fund				
STRIKE OUT			216,155	216,155
TOTAL FUNDS				
INSERT IN PLACE THEREOF			236,323	229,964
TOTAL FUNDS				

State of New Hampshire

SENATE JOURNAL 1 JUNE 2011

811

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	05	EXECUTIVE COUNCIL	(CONT.)		
AGENCY:	005	EXECUTIVE COUNCIL	(CONT.)		
ACTIVITY:	052010	EXECUTIVE COUNCIL	(CONT.)		
ORGANIZATION:	1001	EXECUTIVE COUNCIL	(CONT.)		
TOTAL EXPENSES FOR EXECUTIVE COUNCIL				236,323	229,964
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE COUNCIL				236,323	229,964
GENERAL FUND				236,323	229,964
TOTAL FUNDS					
TOTAL EXPENSES FOR EXECUTIVE COUNCIL				236,323	229,964
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE COUNCIL				236,323	229,964
GENERAL FUND				236,323	229,964
TOTAL FUNDS					
TOTAL EXPENSES FOR EXECUTIVE COUNCIL				236,323	229,964
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE COUNCIL				236,323	229,964
GENERAL FUND				236,323	229,964
TOTAL FUNDS					
TOTAL EXPENSES FOR GENERAL GOVERNMENT				467,409,855	471,524,992
TOTAL ESTIMATED SOURCE OF FUNDS FOR GENERAL GOVERNMENT				43,807,972	44,703,600
FEDERAL FUNDS				252,275,533	256,980,385
GENERAL FUND				171,326,350	169,841,007
OTHER FUNDS				467,409,855	471,524,992
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO
HB 0001

		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02 ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	10 JUDICIAL BRANCH		
AGENCY:	010 JUDICIAL BRANCH		
ACTIVITY:	100010 SUPREME COURT		
ORGANIZATION:	1880 SUPREME SUPERIOR PROBATEDISTR		
STRIKE OUT	010 Personal Services-Perm. Classi	27,214,421	26,572,647
INSERT IN PLACE THEREOF	010 Personal Services-Perm. Classi		
STRIKE OUT	011 Personal Services-Unclassified	14,346,362	15,422,700
INSERT IN PLACE THEREOF	011 Personal Services-Unclassified	11,335,278	10,980,935
STRIKE OUT	012 Personal Services-Unclassified 2	5,569,402	5,406,284
INSERT IN PLACE THEREOF	012 Personal Services-Unclassified 2	206,993	206,993
STRIKE OUT	016 Personal Services Non Classified	186,993	204,303
INSERT IN PLACE THEREOF	016 Personal Services Non Classified	1,862,532	1,793,716
STRIKE OUT	018 Overtime	288,067	1
INSERT IN PLACE THEREOF	018 Overtime	10,900	10,900
STRIKE OUT	020 Current Expenses	3,500	3,500
INSERT IN PLACE THEREOF	020 Current Expenses	1,670,870	1,706,793
STRIKE OUT	022 Rents-Leases Other Than State	363,293	505,358
INSERT IN PLACE THEREOF	022 Rents-Leases Other Than State	175,188	182,094
STRIKE OUT	024 Maint. Other Than Build. - Grnds	89,335	91,706
INSERT IN PLACE THEREOF	024 Maint. Other Than Build. - Grnds	211,754	218,089
		84,261	86,787

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	10	JUDICIAL BRANCH	(CONT.)		
AGENCY:	010	JUDICIAL BRANCH	(CONT.)		
ACTIVITY:	100010	SUPREME COURT	(CONT.)		
ORGANIZATION:	1880	SUPREMESUPERIORPROBATEDISTR	(CONT.)		
STRIKE OUT	026	Organizational Dues		99,871	104,580
INSERT IN PLACE THEREOF	026	Organizational Dues			
STRIKE OUT	030	Equipment New/Replacement		96,385	101,094
INSERT IN PLACE THEREOF	030	Equipment New/Replacement		414,548	341,296
STRIKE OUT	039	Telecommunications		105,726	176,900
INSERT IN PLACE THEREOF	039	Telecommunications		24,000	24,000
STRIKE OUT	048	Contractual Maint.-Build-Gmnds		23,688	23,688
INSERT IN PLACE THEREOF	048	Contractual Maint.-Build-Gmnds		7,662	7,662
STRIKE OUT	050	Personal Service-Temp/Appointe		7,563	7,562
INSERT IN PLACE THEREOF	050	Personal Service-Temp/Appointe		731,167	714,938
STRIKE OUT	057	Books, Periodicals, Subscriptions		21,167	144,731
INSERT IN PLACE THEREOF	057	Books, Periodicals, Subscriptions		587,653	587,653
STRIKE OUT	060	Benefits		580,013	580,013
INSERT IN PLACE THEREOF	060	Benefits		22,892,900	23,903,065
STRIKE OUT	061	Unemployment Compensation		11,077,026	11,477,960
INSERT IN PLACE THEREOF	061	Unemployment Compensation		30,000	30,000
				29,610	29,610

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	10	JUDICIAL BRANCH	(CONT.)		
AGENCY:	010	JUDICIAL BRANCH	(CONT.)		
ACTIVITY:	100010	SUPREME COURT	(CONT.)		
ORGANIZATION:	1880	SUPREMESUPERIORPROBATEDISTR	(CONT.)		
STRIKE OUT					
086 Employee Training				75,000	75,000
INSERT IN PLACE THEREOF					
086 Employee Training				73,830	73,830
STRIKE OUT					
088 Remuneration				20,000	20,000
INSERT IN PLACE THEREOF					
088 Remuneration				19,740	19,740
STRIKE OUT					
070 In-State Travel Reimbursement				583,000	603,000
INSERT IN PLACE THEREOF					
070 In-State Travel Reimbursement				190,406	196,938
STRIKE OUT					
080 Out-Of State Travel				2,500	2,500
INSERT IN PLACE THEREOF					
080 Out-Of State Travel				2,468	2,468
STRIKE OUT					
104 Certification Expense				71,500	72,000
INSERT IN PLACE THEREOF					
104 Certification Expense				70,571	71,064
STRIKE OUT					
108 Provider Payments-Legal Servic				46,780	46,780
INSERT IN PLACE THEREOF					
108 Provider Payments-Legal Servic				16,776	16,776
STRIKE OUT					
227 Jury Fees and Expenses				924,104	924,104
INSERT IN PLACE THEREOF					
227 Jury Fees and Expenses				912,090	912,090
STRIKE OUT					
230 Interpreter Services				320,000	320,000
INSERT IN PLACE THEREOF					
230 Interpreter Services				315,450	315,450

State of New Hampshire

SENATE JOURNAL 1 JUNE 2011

815

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	10	JUDICIAL BRANCH	(CONT.)		
AGENCY:	010	JUDICIAL BRANCH	(CONT.)		
ACTIVITY:	100010	SUPREME COURT	(CONT.)		
ORGANIZATION:	1880	SUPREMESUPERIORPROBATEDISTR	(CONT.)		
STRIKE OUT	235	Transcription Services		7,000	7,000
INSERT IN PLACE THEREOF	235	Transcription Services		6,909	6,909
STRIKE OUT		TOTAL EXPENSES		78,193,770	78,192,338
INSERT IN PLACE THEREOF		TOTAL EXPENSES		43,128,780	44,614,055
STRIKE OUT				876,362	879,452
STRIKE OUT	001	Transfer from Other Agencies		75,317,408	75,312,886
INSERT IN PLACE THEREOF		General Fund		42,528,780	44,014,055
INSERT IN PLACE THEREOF		General Fund		2,000,000	2,000,000
STRIKE OUT		Highway Funds		600,000	600,000
INSERT IN PLACE THEREOF		Highway Funds		78,193,770	78,192,338
STRIKE OUT		TOTAL FUNDS		43,128,780	44,614,055
INSERT IN PLACE THEREOF		TOTAL FUNDS		43,128,780	44,614,055
TOTAL EXPENSES FOR SUPREMESUPERIORPROBATEDISTR					
TOTAL ESTIMATED SOURCE OF FUNDS FOR SUPREMESUPERIORPROBATEDISTR					
GENERAL FUND				44,014,055	44,014,055
HIGHWAY FUNDS				600,000	600,000
TOTAL FUNDS				43,128,780	44,614,055

State of New Hampshire

AMENDMENTS TO
HB 0001

				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	10	JUDICIAL BRANCH			
AGENCY:	010	JUDICIAL BRANCH			
ACTIVITY:	100010	SUPREME COURT			
ORGANIZATION:	8870	CIRCUIT COURT			
INSERT					
010	Personal Services-Perm. Classi			12,868,059	11,149,947
INSERT					
011	Personal Services-Unclassified			5,765,876	5,574,651
INSERT					
012	Personal Services-Unclassified 2			40,000	0
INSERT					
016	Personal Services Non Classified			1,574,465	1,841,294
INSERT					
018	Overtime			7,400	7,400
INSERT					
020	Current Expenses			1,175,018	1,184,041
INSERT					
022	Rents-Leases Other Than State			85,853	90,388
INSERT					
024	Maint.Other Than Build. - Grnds			127,493	131,302
INSERT					
026	Organizational Dues			3,486	3,486
INSERT					
030	Equipment New/Replacement			308,822	164,396
INSERT					
050	Personal Service-Temp/Appointe			870,046	570,207
INSERT					
060	Benefits			11,815,874	12,425,105
INSERT					
070	In-State Travel Reimbursement			392,594	406,062
INSERT					
108	Provider Payments-Legal Servic			30,004	30,004
INSERT					
	TOTAL EXPENSES			35,064,990	33,578,283
INSERT					
001	Transfer from Other Agencies			876,362	879,452

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	10	JUDICIAL BRANCH	(CONT.)		
AGENCY:	010	JUDICIAL BRANCH	(CONT.)		
ACTIVITY:	100010	SUPREME COURT	(CONT.)		
ORGANIZATION:	8870	CIRCUIT COURT	(CONT.)		
INSERT		General Fund		32,788,628	31,298,831
INSERT		Highway Funds		1,400,000	1,400,000
INSERT		TOTAL FUNDS		35,064,950	33,578,283
TOTAL EXPENSES FOR CIRCUIT COURT				35,064,950	33,578,283
TOTAL ESTIMATED SOURCE OF FUNDS FOR CIRCUIT COURT				32,788,628	31,298,831
GENERAL FUND				1,400,000	1,400,000
HIGHWAY FUNDS				876,362	879,452
OTHER FUNDS				35,064,950	33,578,283
TOTAL FUNDS					
TOTAL EXPENSES FOR SUPREME COURT				80,450,701	80,449,269
TOTAL ESTIMATED SOURCE OF FUNDS FOR SUPREME COURT				75,317,408	75,312,886
GENERAL FUND				2,000,000	2,000,000
HIGHWAY FUNDS				3,133,293	3,136,383
OTHER FUNDS				80,450,701	80,449,269
TOTAL FUNDS					
TOTAL EXPENSES FOR JUDICIAL BRANCH				85,894,114	85,500,032
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUDICIAL BRANCH				379,058	55,000
FEDERAL FUNDS				80,381,763	80,308,649
GENERAL FUND				2,000,000	2,000,000
HIGHWAY FUNDS				3,133,293	3,136,383
OTHER FUNDS				85,894,114	85,500,032
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	10	JUDICIAL BRANCH		
		(CONT.)		
		(CONT.)		
TOTAL EXPENSES FOR JUDICIAL BRANCH			85,894,114	85,500,032
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUDICIAL BRANCH				
FEDERAL FUNDS			379,058	55,000
GENERAL FUND			80,381,763	80,308,649
HIGHWAY FUNDS			2,000,000	2,000,000
OTHER FUNDS			3,133,293	3,136,383
TOTAL FUNDS			85,894,114	85,500,032
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT		
AGENCY:	012	ADJUTANT GENERAL		
ACTIVITY:	120010	ADJUTANT GENERAL		
ORGANIZATION:	2220	ADMINISTRATION AND ARMORIES		
STRIKE OUT			733,916	718,158
010 Personal Services-Perm. Classi				
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi			791,490	775,811
STRIKE OUT			452,726	477,997
060 Benefits				
INSERT IN PLACE THEREOF			495,548	524,054
060 Benefits				
STRIKE OUT			1,782,540	1,810,751
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			1,882,936	1,914,461
TOTAL EXPENSES			1,750,484	1,778,812
STRIKE OUT				
General Fund				
INSERT IN PLACE THEREOF			1,850,880	1,882,522
General Fund				
STRIKE OUT			1,782,540	1,810,751
TOTAL FUNDS				
INSERT IN PLACE THEREOF			1,882,936	1,914,461
TOTAL FUNDS				

State of New Hampshire

SENATE JOURNAL 1 JUNE 2011

819

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT	(CONT.)		
AGENCY:	012	ADJUTANT GENERAL	(CONT.)		
ACTIVITY:	120010	ADJUTANT GENERAL	(CONT.)		
ORGANIZATION:	2220	ADMINISTRATION AND ARMORIES	(CONT.)		
TOTAL EXPENSES FOR ADMINISTRATION AND ARMORIES				1,882,936	1,914,461
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION AND ARMORIES					
FEDERAL FUNDS				32,056	31,939
GENERAL FUND				1,850,880	1,882,522
TOTAL FUNDS				1,882,936	1,914,461
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT			
AGENCY:	012	ADJUTANT GENERAL			
ACTIVITY:	120010	ADJUTANT GENERAL			
ORGANIZATION:	2233	AIR NATIONAL GUARD MNT/OPER			
STRIKE OUT				779,211	
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				822,689	
STRIKE OUT				544,130	
060 Benefits					
INSERT IN PLACE THEREOF				570,075	
060 Benefits					
STRIKE OUT				2,269,698	
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				2,339,121	
TOTAL EXPENSES				1,722,045	
STRIKE OUT					
000 Federal Funds				1,774,112	
INSERT IN PLACE THEREOF					
000 Federal Funds				547,653	
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF				565,009	
General Fund					

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013
CATEGORY:	02			
DEPARTMENT:	12			
AGENCY:	012			
ACTIVITY:	120010			
ORGANIZATION:	2233			
STRIKE OUT				
TOTAL FUNDS		2,256,556		2,269,698
INSERT IN PLACE THEREOF				
TOTAL FUNDS		2,324,108		2,339,121
TOTAL EXPENSES FOR AIR NATIONAL GUARD MNT/OPER		2,324,108		2,339,121
TOTAL ESTIMATED SOURCE OF FUNDS FOR AIR NATIONAL GUARD MNT/OPER		1,763,143		1,774,112
FEDERAL FUNDS		560,965		565,009
GENERAL FUND		2,324,108		2,339,121
TOTAL FUNDS				
CATEGORY: 02				
DEPARTMENT: 12				
AGENCY: 012				
ACTIVITY: 120010				
ORGANIZATION: 2240				
STRIKE OUT				
010 Personal Services-Perm. Classi		294,000		286,730
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi		333,521		325,120
STRIKE OUT		198,329		210,898
INSERT IN PLACE THEREOF				
060 Benefits		221,883		235,831
STRIKE OUT				
TOTAL EXPENSES		1,529,358		1,528,921
INSERT IN PLACE THEREOF				
TOTAL EXPENSES		1,592,433		1,592,244
STRIKE OUT				
000 Federal Funds		770,881		770,486
INSERT IN PLACE THEREOF				
000 Federal Funds		802,418		802,147

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)				
ADJUTANT GENERAL DEPARTMENT	(CONT.)				
ADJUTANT GENERAL	(CONT.)				
ADJUTANT GENERAL	(CONT.)				
ARMY AND STATE 50/50	(CONT.)				
02					
12					
012					
120010					
2240					
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF					
General Fund					
TOTAL FUNDS					
INSERT IN PLACE THEREOF					
TOTAL FUNDS					
TOTAL EXPENSES FOR ARMY AND STATE 50/50					
TOTAL ESTIMATED SOURCE OF FUNDS FOR ARMY AND STATE 50/50					
FEDERAL FUNDS					
GENERAL FUND					
TOTAL FUNDS					
ADMIN OF JUSTICE AND PUBLIC PRTN					
ADJUTANT GENERAL DEPARTMENT					
ADJUTANT GENERAL					
ADJUTANT GENERAL					
FIRE DEPARTMENT - PEASE					
02					
12					
012					
120010					
2286					
STRIKE OUT					
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi					
STRIKE OUT					
060 Benefits					
INSERT IN PLACE THEREOF					
060 Benefits					
STRIKE OUT					
TOTAL EXPENSES					
INSERT IN PLACE THEREOF					
TOTAL EXPENSES					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT		
AGENCY:	012	ADJUTANT GENERAL		
ACTIVITY:	120010	ADJUTANT GENERAL		
ORGANIZATION:	2256	FIRE DEPARTMENT - PEASE		
STRIKE OUT				
000 Federal Funds			3,965,720	3,977,816
INSERT IN PLACE THEREOF				
000 Federal Funds			4,246,664	4,256,264
STRIKE OUT				
TOTAL FUNDS			3,965,720	3,977,816
INSERT IN PLACE THEREOF				
TOTAL FUNDS			4,246,664	4,256,264
TOTAL EXPENSES FOR FIRE DEPARTMENT - PEASE				
TOTAL ESTIMATED SOURCE OF FUNDS FOR FIRE DEPARTMENT - PEASE				
FEDERAL FUNDS			4,246,664	4,256,264
TOTAL FUNDS			4,246,664	4,256,264
TOTAL EXPENSES FOR ADJUTANT GENERAL				
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADJUTANT GENERAL				
FEDERAL FUNDS			28,932,116	29,089,677
GENERAL FUNDS				
OTHER FUNDS			25,520,668	25,645,878
TOTAL FUNDS			3,337,894	3,373,757
			73,554	70,042
			28,932,116	29,089,677
TOTAL EXPENSES FOR ADJUTANT GENERAL				
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADJUTANT GENERAL				
FEDERAL FUNDS			29,507,966	29,673,398
GENERAL FUNDS				
OTHER FUNDS			25,815,029	25,987,016
TOTAL FUNDS			3,570,421	3,563,979
			122,516	122,403
			29,507,966	29,673,398

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT	(CONT.)		
TOTAL EXPENSES FOR ADJUTANT GENERAL DEPARTMENT				29,507,966	29,673,398
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADJUTANT GENERAL DEPARTMENT				25,815,029	25,987,016
FEDERAL FUNDS				3,570,421	3,563,979
GENERAL FUND				122,516	122,403
OTHER FUNDS				29,507,966	29,673,398
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	18	AGRICULTURE			
AGENCY:	019	BOARD OF VETERINARY MEDICINE			
ACTIVITY:	190010	BOARD OF VETERINARY MEDICINE			
ORGANIZATION:	7883	BOARD OF VETERINARY MEDICINE			
STRIKE OUT				5,400	5,400
050 Personal Service-Temp/Appointe					
INSERT IN PLACE THEREOF				14,650	14,650
050 Personal Service-Temp/Appointe					
STRIKE OUT				2,688	2,585
060 Benefits					
INSERT IN PLACE THEREOF				3,418	3,335
060 Benefits					
STRIKE OUT				78,652	77,116
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				88,652	87,116
TOTAL EXPENSES				78,652	77,116
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF				88,652	87,116
General Fund					
STRIKE OUT				78,652	77,116
TOTAL FUNDS					
INSERT IN PLACE THEREOF				88,652	87,116
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	20	DEPARTMENT OF JUSTICE		
AGENCY:	020	JUSTICE, DEPT OF		
ACTIVITY:	200010	JUSTICE DEPARTMENT		
ORGANIZATION:	2601	ATTORNEY GENERAL		
STRIKE OUT				
233	Litigation		432,550	430,837
INSERT IN PLACE THEREOF				
233	Litigation		350,000	350,000
STRIKE OUT				
TOTAL EXPENSES			2,069,350	2,061,485
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			1,986,800	1,980,648
STRIKE OUT				
General Fund			1,851,716	1,844,969
INSERT IN PLACE THEREOF				
General Fund			1,769,166	1,764,132
STRIKE OUT				
TOTAL FUNDS			2,069,350	2,061,485
INSERT IN PLACE THEREOF				
TOTAL FUNDS			1,986,800	1,980,648
TOTAL EXPENSES FOR ATTORNEY GENERAL			1,986,800	1,980,648
TOTAL ESTIMATED SOURCE OF FUNDS FOR ATTORNEY GENERAL				
GENERAL FUND			1,769,166	1,764,132
OTHER FUNDS			217,634	216,516
TOTAL FUNDS			1,986,800	1,980,648
TOTAL EXPENSES FOR JUSTICE DEPARTMENT			1,985,050	1,988,898
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUSTICE DEPARTMENT				
GENERAL FUND			1,777,416	1,772,382
OTHER FUNDS			217,634	216,516
TOTAL FUNDS			1,995,050	1,988,898

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	20		
AGENCY:	020		
ACTIVITY:	200510		
ORGANIZATION:	2610		
ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT OF JUSTICE			
JUSTICE, DEPT OF			
DIV OF PUBLIC PROTECTION			
CRIMINAL JUSTICE			
STRIKE OUT			
010	Personal Services-Perm. Classi	129,786	125,088
INSERT IN PLACE THEREOF			
010	Personal Services-Perm. Classi		
STRIKE OUT			
013	Personal Services-Unclassified 3	251,509	244,473
INSERT IN PLACE THEREOF			
013	Personal Services-Unclassified 3	1,388,958	1,209,455
STRIKE OUT			
027	Transfers To DOIT	1,474,676	1,420,892
INSERT IN PLACE THEREOF			
027	Transfers To DOIT	103,892	103,892
STRIKE OUT			
060	Benefits	52,561	52,561
INSERT IN PLACE THEREOF			
060	Benefits	789,064	672,699
STRIKE OUT			
		793,296	828,089
TOTAL EXPENSES			
INSERT IN PLACE THEREOF			
		2,890,712	2,421,419
TOTAL EXPENSES			
STRIKE OUT			
	General Fund	2,871,054	2,856,300
INSERT IN PLACE THEREOF			
	General Fund	2,231,691	1,970,369
STRIKE OUT			
		2,412,033	2,405,250
TOTAL FUNDS			
INSERT IN PLACE THEREOF			
		2,690,712	2,421,419
TOTAL FUNDS			
		2,871,054	2,856,300

State of New Hampshire

AMENDMENTS TO HB 0001

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 20 DEPARTMENT OF JUSTICE
AGENCY: 020 JUSTICE, DEPT OF
ACTIVITY: 200510 DIV OF PUBLIC PROTECTION
ORGANIZATION: 2610 CRIMINAL JUSTICE

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL EXPENSES FOR CRIMINAL JUSTICE

TOTAL ESTIMATED SOURCE OF FUNDS FOR CRIMINAL JUSTICE

FEDERAL FUNDS
GENERAL FUND
OTHER FUNDS
TOTAL FUNDS

2,871,054
359,034
2,412,033
99,987
2,871,054
2,856,300
353,079
2,405,250
97,971
2,856,300

FISCAL YEAR 2012

FISCAL YEAR 2013

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 20 DEPARTMENT OF JUSTICE
AGENCY: 020 JUSTICE, DEPT OF
ACTIVITY: 200510 DIV OF PUBLIC PROTECTION
ORGANIZATION: 2611 CONSUMER PROTECTION

STRIKE OUT
010 Personal Services-Perm. Classi
INSERT IN PLACE THEREOF
010 Personal Services-Perm. Classi
STRIKE OUT
020 Current Expenses
INSERT IN PLACE THEREOF
020 Current Expenses
INSERT
022 Rents-Leases Other Than State
INSERT
027 Transfers To DOI
INSERT
030 Equipment New/Replacement
STRIKE OUT
060 Benefits
INSERT IN PLACE THEREOF
060 Benefits
INSERT
066 Employee Training

136,437
273,022
1,000
32,620
3,500
51,331
10,241
314,046
300,705
3,000
133,857
266,492
1,300
32,920
3,500
51,331
0
254,134
314,405
3,000

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	20	DEPARTMENT OF JUSTICE		
AGENCY:	020	JUSTICE, DEPT OF		
ACTIVITY:	200510	DIV OF PUBLIC PROTECTION		
ORGANIZATION:	2611	CONSUMER PROTECTION		
STRIKE OUT				
070	In-State Travel Reimbursement		2,243	2,543
INSERT IN PLACE THEREOF				
070	In-State Travel Reimbursement		10,300	10,800
INSERT				
080	Out-Of State Travel		500	500
STRIKE OUT				
TOTAL EXPENSES			995,214	916,804
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			1,226,707	1,207,918
STRIKE OUT				
General Fund			156,625	87,062
INSERT IN PLACE THEREOF				
General Fund			388,118	378,176
STRIKE OUT				
TOTAL FUNDS			995,214	916,804
INSERT IN PLACE THEREOF				
TOTAL FUNDS			1,226,707	1,207,918
TOTAL EXPENSES FOR CONSUMER PROTECTION				
TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSUMER PROTECTION			1,226,707	1,207,918
GENERAL FUND				
OTHER FUNDS			388,118	378,176
TOTAL FUNDS			838,589	829,742
			1,226,707	1,207,918
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	20	DEPARTMENT OF JUSTICE		
AGENCY:	020	JUSTICE, DEPT OF		
ACTIVITY:	200510	DIV OF PUBLIC PROTECTION		
ORGANIZATION:	2613	ENVIRONMENTAL		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	20	DEPARTMENT OF JUSTICE	(CONT.)		
AGENCY:	020	JUSTICE, DEPT OF	(CONT.)		
ACTIVITY:	200510	DIV OF PUBLIC PROTECTION	(CONT.)		
ORGANIZATION:	2613	ENVIRONMENTAL	(CONT.)		
STRIKE OUT					
010	Personal Services-Perm. Classi			49,395	47,611
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			88,220	86,586
STRIKE OUT					
013	Personal Services-Unclassified 3			395,580	314,655
INSERT IN PLACE THEREOF					
013	Personal Services-Unclassified 3			459,496	442,487
STRIKE OUT					
060	Benefits			277,498	199,005
INSERT IN PLACE THEREOF					
060	Benefits			285,370	299,210
STRIKE OUT					
TOTAL EXPENSES				894,737	674,485
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				945,350	941,497
STRIKE OUT					
General Fund				332,484	175,319
INSERT IN PLACE THEREOF					
General Fund				443,097	442,331
STRIKE OUT					
TOTAL FUNDS				834,737	674,485
INSERT IN PLACE THEREOF					
TOTAL FUNDS				945,350	941,497
TOTAL EXPENSES FOR ENVIRONMENTAL					
TOTAL ESTIMATED SOURCE OF FUNDS FOR ENVIRONMENTAL					
GENERAL FUND				443,097	442,331
OTHER FUNDS				502,253	499,166
TOTAL FUNDS				945,350	941,497

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	20		
AGENCY:	020		
ACTIVITY:	200510		
ORGANIZATION:	2614		
ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT OF JUSTICE			
JUSTICE, DEPT OF			
DIV OF PUBLIC PROTECTION			
CHIEF MEDICAL EXAMINER			
STRIKE OUT			
234 Autopsy Expenses		407,136	428,678
INSERT IN PLACE THEREOF			
234 Autopsy Expenses		590,865	612,407
STRIKE OUT			
TOTAL EXPENSES		1,159,228	1,177,666
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		1,342,957	1,361,395
STRIKE OUT			
General Fund		1,031,814	1,050,448
INSERT IN PLACE THEREOF			
General Fund		1,215,543	1,234,177
STRIKE OUT			
TOTAL FUNDS		1,159,228	1,177,666
INSERT IN PLACE THEREOF			
TOTAL FUNDS		1,342,957	1,361,395
TOTAL EXPENSES FOR CHIEF MEDICAL EXAMINER			
TOTAL ESTIMATED SOURCE OF FUNDS FOR CHIEF MEDICAL EXAMINER		1,342,957	1,361,395
FEDERAL FUNDS			
GENERAL FUND		74,600	74,600
OTHER FUNDS		1,215,543	1,234,177
TOTAL FUNDS		52,814	52,618
		1,342,957	1,361,395
TOTAL EXPENSES FOR DIV OF PUBLIC PROTECTION			
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV OF PUBLIC PROTECTION		8,586,644	8,622,852
FEDERAL FUNDS			
GENERAL FUND		1,203,545	1,194,666
OTHER FUNDS		4,760,876	4,809,147
TOTAL FUNDS		2,622,223	2,619,039
		8,586,644	8,622,852

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	20	DEPARTMENT OF JUSTICE			
AGENCY:	020	JUSTICE, DEPT OF			
ACTIVITY:	201010	DIV OF LEGAL COUNSEL			
ORGANIZATION:	2620	CIVIL LAW			
STRIKE OUT				242,778	236,161
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				289,029	280,899
STRIKE OUT				973,958	871,246
013 Personal Services-Unclassified 3					
INSERT IN PLACE THEREOF				1,102,281	1,062,201
013 Personal Services-Unclassified 3				671,256	606,580
STRIKE OUT					
060 Benefits					
INSERT IN PLACE THEREOF				677,047	707,330
060 Benefits					
STRIKE OUT				2,040,445	1,866,929
TOTAL EXPENSES				2,220,810	2,203,172
INSERT IN PLACE THEREOF				1,707,483	1,539,065
TOTAL EXPENSES					
General Fund				1,887,848	1,875,308
INSERT IN PLACE THEREOF				2,040,445	1,866,929
General Fund				2,220,810	2,203,172
STRIKE OUT					
TOTAL FUNDS				2,220,810	2,203,172
INSERT IN PLACE THEREOF					
TOTAL FUNDS					
TOTAL EXPENSES FOR CIVIL LAW					
TOTAL ESTIMATED SOURCE OF FUNDS FOR CIVIL LAW					
GENERAL FUND				1,887,848	1,875,308
OTHER FUNDS				332,962	327,864
TOTAL FUNDS				2,220,810	2,203,172

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	20	DEPARTMENT OF JUSTICE		
AGENCY:	020	JUSTICE, DEPT OF		
ACTIVITY:	201010	DIV OF LEGAL COUNSEL		
TOTAL EXPENSES FOR DIV OF LEGAL COUNSEL			3,771,781	3,744,920
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV OF LEGAL COUNSEL				
GENERAL FUND			1,887,848	1,875,308
OTHER FUNDS			1,883,933	1,869,612
TOTAL FUNDS			3,771,781	3,744,920
TOTAL EXPENSES FOR JUSTICE, DEPT OF			24,467,081	24,507,679
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUSTICE, DEPT OF				
FEDERAL FUNDS			10,513,083	10,539,038
GENERAL FUND			8,487,437	8,519,110
HIGHWAY FUNDS			394,488	396,250
OTHER FUNDS			5,072,073	5,053,281
TOTAL FUNDS			24,467,081	24,507,679
TOTAL EXPENSES FOR DEPARTMENT OF JUSTICE			24,467,081	24,507,679
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF JUSTICE				
FEDERAL FUNDS			10,513,083	10,539,038
GENERAL FUND			8,487,437	8,519,110
HIGHWAY FUNDS			394,488	396,250
OTHER FUNDS			5,072,073	5,053,281
TOTAL FUNDS			24,467,081	24,507,679
CATEGORY:				
DEPARTMENT:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
AGENCY:	86	RACING & CHARITABLE GAMING COMM		
ACTIVITY:	086	RACING & CHARITABLE GAMING COMM		
ORGANIZATION:	860010	PARIMUTUEL COMMISSION		
	2210	RACING & CHARITABLE GAMING COMM		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	86	RACING & CHARITABLE GAMING COMM	(CONT.)		
AGENCY:	086	RACING & CHARITABLE GAMING COMM	(CONT.)		
ACTIVITY:	860010	PARIMUTUEL COMMISSION	(CONT.)		
ORGANIZATION:	2210	RACING & CHARITABLE GAMING COMM	(CONT.)		
STRIKE OUT				58,926	31,499
011 Personal Services-Unclassified					
INSERT IN PLACE THEREOF				79,903	77,188
011 Personal Services-Unclassified					
STRIKE OUT				83,978	85,068
060 Benefits					
INSERT IN PLACE THEREOF				85,716	88,853
060 Benefits					
STRIKE OUT				418,951	393,350
TOTAL EXPENSES				441,666	442,824
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				20,741	20,248
INSERT				418,951	393,350
009 Agency Income					
STRIKE OUT				420,925	422,576
Sweepstakes Funds					
INSERT IN PLACE THEREOF				418,951	393,350
Sweepstakes Funds				441,666	442,824
STRIKE OUT					
TOTAL FUNDS				441,666	442,824
INSERT IN PLACE THEREOF					
TOTAL FUNDS				420,925	422,576
TOTAL EXPENSES FOR RACING & CHARITABLE GAMING COMM				20,741	20,248
TOTAL ESTIMATED SOURCE OF FUNDS FOR RACING & CHARITABLE GAMING COMM				441,666	442,824
SWEEPSTAKES FUNDS					
OTHER FUNDS					
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	86	RACING & CHARITABLE GAMING COMM	(CONT.)		
AGENCY:	086	RACING & CHARITABLE GAMING COMM	(CONT.)		
ACTIVITY:	860010	PARIMUTUEL COMMISSION	(CONT.)		
TOTAL EXPENSES FOR PARIMUTUEL COMMISSION				441,666	442,824
TOTAL ESTIMATED SOURCE OF FUNDS FOR PARIMUTUEL COMMISSION					
SWEEPSTAKES FUNDS					
OTHER FUNDS				420,925	422,576
TOTAL FUNDS				20,741	20,248
				441,666	442,824
TOTAL EXPENSES FOR RACING & CHARITABLE GAMING COMM				1,574,017	1,592,719
TOTAL ESTIMATED SOURCE OF FUNDS FOR RACING & CHARITABLE GAMING COMM					
SWEEPSTAKES FUNDS				1,553,276	1,572,471
OTHER FUNDS				20,741	20,248
TOTAL FUNDS				1,574,017	1,592,719
TOTAL EXPENSES FOR RACING & CHARITABLE GAMING COMM				1,574,017	1,592,719
TOTAL ESTIMATED SOURCE OF FUNDS FOR RACING & CHARITABLE GAMING COMM					
SWEEPSTAKES FUNDS				1,553,276	1,572,471
OTHER FUNDS				20,741	20,248
TOTAL FUNDS				1,574,017	1,592,719
CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN					
DEPARTMENT: 25 HIGHWAY SAFETY AGENCY					
AGENCY: 025 HIGHWAY SAFETY- AGCY OF					
ACTIVITY: 250015 HIGHWAY SAFETY					
ORGANIZATION: 3000 HIGHWAY SAFETY ADMINISTRATION					
STRIKE OUT					
010 Personal Services-Perm. Classi				247,377	238,836
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				278,310	268,425

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	25	HIGHWAY SAFETY AGENCY	(CONT.)		
AGENCY:	025	HIGHWAY SAFETY- AGCY OF	(CONT.)		
ACTIVITY:	250015	HIGHWAY SAFETY	(CONT.)		
ORGANIZATION:	3000	HIGHWAY SAFETY ADMINISTRATION	(CONT.)		
STRIKE OUT				157,471	160,221
060 Benefits					
INSERT IN PLACE THEREOF				174,340	177,937
060 Benefits					
STRIKE OUT				625,781	613,252
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				673,583	660,557
TOTAL EXPENSES				176,153	176,153
STRIKE OUT					
000 Federal Funds				188,324	188,196
INSERT IN PLACE THEREOF				449,628	437,099
000 Federal Funds					
STRIKE OUT					
Highway Funds				485,259	472,361
INSERT IN PLACE THEREOF					
Highway Funds				625,781	613,252
STRIKE OUT					
TOTAL FUNDS					
INSERT IN PLACE THEREOF				673,583	660,557
TOTAL FUNDS					
TOTAL EXPENSES FOR HIGHWAY SAFETY ADMINISTRATION				673,583	660,557
TOTAL ESTIMATED SOURCE OF FUNDS FOR HIGHWAY SAFETY ADMINISTRATION					
FEDERAL FUNDS				188,324	188,196
HIGHWAY FUNDS				485,259	472,361
TOTAL FUNDS				673,583	660,557

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	26	HIGHWAY SAFETY AGENCY	(CONT.)		
AGENCY:	025	HIGHWAY SAFETY- AGCY OF	(CONT.)		
ACTIVITY:	250016	HIGHWAY SAFETY	(CONT.)		
TOTAL EXPENSES FOR HIGHWAY SAFETY				673,583	680,557
TOTAL ESTIMATED SOURCE OF FUNDS FOR HIGHWAY SAFETY					
FEDERAL FUNDS				188,324	188,196
HIGHWAY FUNDS				485,259	472,361
TOTAL FUNDS				673,583	680,557
TOTAL EXPENSES FOR HIGHWAY SAFETY- AGCY OF				6,630,553	6,617,526
TOTAL ESTIMATED SOURCE OF FUNDS FOR HIGHWAY SAFETY- AGCY OF					
FEDERAL FUNDS				6,145,294	6,145,165
HIGHWAY FUNDS				485,259	472,361
TOTAL FUNDS				6,630,553	6,617,526
TOTAL EXPENSES FOR HIGHWAY SAFETY AGENCY				6,630,553	6,617,526
TOTAL ESTIMATED SOURCE OF FUNDS FOR HIGHWAY SAFETY AGENCY					
FEDERAL FUNDS				6,145,294	6,145,165
HIGHWAY FUNDS				485,259	472,361
TOTAL FUNDS				6,630,553	6,617,526
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	24	INSURANCE DEPARTMENT			
AGENCY:	024	INSURANCE- DEPT OF			
ACTIVITY:	240010	INSURANCE			
ORGANIZATION:	2520	ADMINISTRATION			
STRIKE OUT					
010 Personal Services-Perm. Classi				2,814,526	2,756,577
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				2,873,470	2,815,929

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	24	INSURANCE DEPARTMENT	(CONT.)		
AGENCY:	024	INSURANCE- DEPT OF	(CONT.)		
ACTIVITY:	240010	INSURANCE	(CONT.)		
ORGANIZATION:	2520	ADMINISTRATION	(CONT.)		
STRIKE OUT				8,300	8,300
057	Books, Periodicals, Subscriptions				
INSERT IN PLACE THEREOF				13,415	13,415
057	Books, Periodicals, Subscriptions				
STRIKE OUT				1,849,065	1,935,583
060	Benefits				
INSERT IN PLACE THEREOF				1,878,550	1,967,121
060	Benefits				
STRIKE OUT				3,365	3,721
066	Employee Training				
INSERT IN PLACE THEREOF				11,416	11,416
066	Employee Training				
STRIKE OUT				7,000	7,000
070	In-State Travel Reimbursement				
INSERT IN PLACE THEREOF				14,455	14,455
070	In-State Travel Reimbursement				
STRIKE OUT				23,000	23,000
080	Out-Of State Travel				
INSERT IN PLACE THEREOF				28,957	24,805
080	Out-Of State Travel				
STRIKE OUT				296,600	296,600
102	Contracts for program services				
INSERT IN PLACE THEREOF				252,700	252,700
102	Contracts for program services				
STRIKE OUT				7,576,685	7,588,955
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				7,647,792	7,658,015
TOTAL EXPENSES					
STRIKE OUT				7,571,685	7,583,955
009	Agency Income				
INSERT IN PLACE THEREOF				7,642,792	7,653,015
009	Agency Income				

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT: 24	INSURANCE DEPARTMENT		
AGENCY: 024	INSURANCE- DEPT OF	(CONT.)	
ACTIVITY: 240010	INSURANCE	(CONT.)	
ORGANIZATION: 2520	ADMINISTRATION	(CONT.)	
STRIKE OUT			
TOTAL FUNDS		7,576,685	7,588,955
INSERT IN PLACE THEREOF			
TOTAL FUNDS		7,647,792	7,658,015
TOTAL EXPENSES FOR ADMINISTRATION			
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION			
OTHER FUNDS			
TOTAL FUNDS		7,647,792	7,658,015
TOTAL EXPENSES FOR ADMINISTRATION		7,647,792	7,658,015
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION		7,647,792	7,658,015
OTHER FUNDS		7,647,792	7,658,015
TOTAL FUNDS		7,647,792	7,658,015
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT: 24	INSURANCE DEPARTMENT		
AGENCY: 024	INSURANCE- DEPT OF		
ACTIVITY: 240010	INSURANCE		
ORGANIZATION: 8142	WORKERS COMPENSATION		
STRIKE OUT			
062 Workers Compensation		1,000	1,000
INSERT IN PLACE THEREOF			
062 Workers Compensation		8,909	8,909
STRIKE OUT			
TOTAL EXPENSES		1,000	1,000
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		8,909	8,909
STRIKE OUT			
009 Agency Income		1,000	1,000
INSERT IN PLACE THEREOF			
009 Agency Income		8,909	8,909
STRIKE OUT			
TOTAL FUNDS		1,000	1,000
INSERT IN PLACE THEREOF			
TOTAL FUNDS		8,909	8,909

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	24	INSURANCE DEPARTMENT		
AGENCY:	024	INSURANCE- DEPT OF		
ACTIVITY:	240010	INSURANCE		
ORGANIZATION:	8142	WORKERS COMPENSATION		
TOTAL EXPENSES FOR WORKERS COMPENSATION			8,909	8,909
TOTAL ESTIMATED SOURCE OF FUNDS FOR WORKERS COMPENSATION			8,909	8,909
OTHER FUNDS			8,909	8,909
TOTAL FUNDS				
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	24	INSURANCE DEPARTMENT		
AGENCY:	024	INSURANCE- DEPT OF		
ACTIVITY:	240010	INSURANCE		
ORGANIZATION:	6189	UNEMPLOYMENT COMPENSATION		
STRIKE OUT			1,000	1,000
061 Unemployment Compensation				
INSERT IN PLACE THEREOF			22,204	22,204
061 Unemployment Compensation				
STRIKE OUT			1,000	1,000
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			22,204	22,204
TOTAL EXPENSES			1,000	1,000
STRIKE OUT				
009 Agency Income				
INSERT IN PLACE THEREOF			22,204	22,204
009 Agency Income				
STRIKE OUT			1,000	1,000
TOTAL FUNDS				
INSERT IN PLACE THEREOF			22,204	22,204
TOTAL FUNDS			22,204	22,204

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	24	INSURANCE DEPARTMENT			
AGENCY:	024	INSURANCE-DEPT OF			
ACTIVITY:	240010	INSURANCE			
ORGANIZATION:	6153	UNEMPLOYMENT COMPENSATION			
TOTAL EXPENSES FOR UNEMPLOYMENT COMPENSATION			22,204		22,204
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNEMPLOYMENT COMPENSATION					
OTHER FUNDS			22,204		22,204
TOTAL FUNDS			22,204		22,204
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	24	INSURANCE DEPARTMENT			
AGENCY:	024	INSURANCE-DEPT OF			
ACTIVITY:	240010	INSURANCE			
ORGANIZATION:	2522	MARKET CONDUCT DIVISION			
STRIKE OUT			740,769		724,363
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi			665,115		651,511
STRIKE OUT			338,178		353,999
060 Benefits					
INSERT IN PLACE THEREOF			313,612		328,678
060 Benefits					
STRIKE OUT			1,302,223		1,306,340
TOTAL EXPENSES					
INSERT IN PLACE THEREOF			1,202,003		1,208,167
TOTAL EXPENSES			1,302,223		1,306,340
STRIKE OUT					
009 Agency Income			1,202,003		1,208,167
INSERT IN PLACE THEREOF					
009 Agency Income			1,302,223		1,306,340
STRIKE OUT					
TOTAL FUNDS					
INSERT IN PLACE THEREOF			1,302,223		1,306,340
TOTAL FUNDS			1,202,003		1,208,167

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	24		
AGENCY:	024		
ACTIVITY:	240010		
ORGANIZATION:	2522		
ADMIN OF JUSTICE AND PUBLIC PRTN			
INSURANCE DEPARTMENT			
INSURANCE- DEPT OF			
INSURANCE			
MARKET CONDUCT DIVISION			
TOTAL EXPENSES FOR MARKET CONDUCT DIVISION		1,202,003	1,208,167
TOTAL ESTIMATED SOURCE OF FUNDS FOR MARKET CONDUCT DIVISION		1,202,003	1,208,167
OTHER FUNDS		1,202,003	1,208,167
TOTAL FUNDS			
TOTAL EXPENSES FOR INSURANCE		9,903,324	9,921,875
TOTAL ESTIMATED SOURCE OF FUNDS FOR INSURANCE		9,903,324	9,921,875
OTHER FUNDS		9,903,324	9,921,875
TOTAL FUNDS			
TOTAL EXPENSES FOR INSURANCE- DEPT OF		9,903,324	9,921,875
TOTAL ESTIMATED SOURCE OF FUNDS FOR INSURANCE- DEPT OF		9,903,324	9,921,875
OTHER FUNDS		9,903,324	9,921,875
TOTAL FUNDS			
TOTAL EXPENSES FOR INSURANCE DEPARTMENT		9,903,324	9,921,875
TOTAL ESTIMATED SOURCE OF FUNDS FOR INSURANCE DEPARTMENT		9,903,324	9,921,875
OTHER FUNDS		9,903,324	9,921,875
TOTAL FUNDS			
CATEGORY:	02		
DEPARTMENT:	81		
AGENCY:	081		
ACTIVITY:	810010		
ORGANIZATION:	2812		
ADMIN OF JUSTICE AND PUBLIC PRTN			
PUBLIC UTILITIES COMMISSION			
PUBLIC UTILITIES COMM.			
OFFICE OF THE COMMISSIONER			
OFFICE OF THE COMMISSIONER			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	81	PUBLIC UTILITIES COMMISSION	(CONT.)		
AGENCY:	081	PUBLIC UTILITIES COMM.	(CONT.)		
ACTIVITY:	810010	OFFICE OF THE COMMISSIONER	(CONT.)		
ORGANIZATION:	2812	OFFICE OF THE COMMISSIONER	(CONT.)		
STRIKE OUT					
010	Personal Services-Perm. Classi			3,743,415	3,662,718
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			3,779,622	3,697,584
STRIKE OUT				153,089	153,089
020	Current Expenses				
INSERT IN PLACE THEREOF					
020	Current Expenses			150,800	150,800
STRIKE OUT				497,658	505,001
027	Transfers To DOIT				
INSERT IN PLACE THEREOF					
027	Transfers To DOIT			482,954	489,276
STRIKE OUT				295,134	303,804
028	Transfers To General Services				
INSERT IN PLACE THEREOF					
028	Transfers To General Services			283,835	292,299
STRIKE OUT				94,060	94,061
040	Indirect Costs				
INSERT IN PLACE THEREOF					
040	Indirect Costs			90,541	90,542
STRIKE OUT				163,129	160,426
049	Transfer to Other State Agencies				
INSERT IN PLACE THEREOF					
049	Transfer to Other State Agencies			160,290	157,634
STRIKE OUT				2,023,793	2,121,778
060	Benefits				
INSERT IN PLACE THEREOF					
060	Benefits			2,039,199	2,137,727
STRIKE OUT				7,987,007	8,035,467
TOTAL EXPENSES				8,003,970	8,050,452
INSERT IN PLACE THEREOF					
TOTAL EXPENSES					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	81	PUBLIC UTILITIES COMMISSION	(CONT.)		
AGENCY:	081	PUBLIC UTILITIES COMM.	(CONT.)		
ACTIVITY:	810010	OFFICE OF THE COMMISSIONER	(CONT.)		
ORGANIZATION:	2812	OFFICE OF THE COMMISSIONER	(CONT.)		
STRIKE OUT					
009 Agency Income				7,750,261	7,794,307
INSERT IN PLACE THEREOF					
009 Agency Income				7,767,224	7,809,292
STRIKE OUT					
7,987,007					8,035,467
TOTAL FUNDS				8,003,970	8,050,452
INSERT IN PLACE THEREOF					
TOTAL FUNDS				8,003,970	8,050,452
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER				8,003,970	8,050,452
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				8,003,970	8,050,452
OTHER FUNDS				8,003,970	8,050,452
TOTAL FUNDS				8,003,970	8,050,452
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER				8,003,970	8,050,452
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				8,003,970	8,050,452
OTHER FUNDS				8,003,970	8,050,452
TOTAL FUNDS				8,003,970	8,050,452
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	81	PUBLIC UTILITIES COMMISSION			
AGENCY:	081	PUBLIC UTILITIES COMM.			
ACTIVITY:	811010	GREENHOUSE GAS			
ORGANIZATION:	5463	GREENHOUSE GAS I25-Q:23			
INSERT					
020 Current Expenses				2,289	2,289
INSERT					
026 Organizational Dues				500	500
INSERT					
027 Transfers To DOIT				14,704	15,725

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	81	PUBLIC UTILITIES COMMISSION		
AGENCY:	081	PUBLIC UTILITIES COMM.		
ACTIVITY:	811010	GREENHOUSE GAS		
ORGANIZATION:	5453	GREENHOUSE GAS 125-O-23		
INSERT				
028	Transfers To General Services		11,299	11,505
INSERT				
040	Indirect Costs		3,519	3,519
INSERT				
046	Consultants		40,000	40,000
INSERT				
049	Transfer to Other State Agencies		226,095	224,049
INSERT				
066	Employee Training		500	500
INSERT				
070	In-State Travel Reimbursement		1,000	1,000
STRIKE OUT				
073	Grants-Non Federal		6,000,000	0
INSERT IN PLACE THEREOF				
073	Grants-Non Federal		11,454,313	11,451,837
INSERT				
080	Out-Of State Travel		2,000	2,000
STRIKE OUT				
TOTAL EXPENSES			6,000,000	0
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			11,756,219	11,752,924
STRIKE OUT				
009	Agency Income		6,000,000	0
INSERT IN PLACE THEREOF				
009	Agency Income		11,756,219	11,752,924
STRIKE OUT				
TOTAL FUNDS			6,000,000	0
INSERT IN PLACE THEREOF				
TOTAL FUNDS			11,756,219	11,752,924

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	81		
AGENCY:	081		
ACTIVITY:	811010		
ORGANIZATION:	5453		
ADMIN OF JUSTICE AND PUBLIC PRTN			
PUBLIC UTILITIES COMMISSION			
PUBLIC UTILITIES COMM.			
GREENHOUSE GAS			
GREENHOUSE GAS 125-O:23			
TOTAL EXPENSES FOR GREENHOUSE GAS 125-O:23		11,756,219	11,752,924
TOTAL ESTIMATED SOURCE OF FUNDS FOR GREENHOUSE GAS 125-O:23		11,756,219	11,752,924
OTHER FUNDS		11,756,219	11,752,924
TOTAL FUNDS			
TOTAL EXPENSES FOR GREENHOUSE GAS		11,756,219	11,752,924
TOTAL ESTIMATED SOURCE OF FUNDS FOR GREENHOUSE GAS		11,756,219	11,752,924
OTHER FUNDS		11,756,219	11,752,924
TOTAL FUNDS			
CATEGORY:	02		
DEPARTMENT:	81		
AGENCY:	081		
ACTIVITY:	812010		
ORGANIZATION:	2816		
ADMIN OF JUSTICE AND PUBLIC PRTN			
PUBLIC UTILITIES COMMISSION			
PUBLIC UTILITIES COMM.			
CONSUMER ADVOCATE			
CONSUMER ADVOCATE			
STRIKE OUT		30,000	30,000
233 Litigation			
INSERT IN PLACE THEREOF		60,000	60,000
233 Litigation			
STRIKE OUT		674,069	665,235
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		704,069	695,235
TOTAL EXPENSES		674,069	665,235
STRIKE OUT		704,069	695,235
009 Agency Income			
INSERT IN PLACE THEREOF			
009 Agency Income		704,069	695,235

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	81	PUBLIC UTILITIES COMMISSION		
AGENCY:	081	PUBLIC UTILITIES COMM.		
ACTIVITY:	812010	CONSUMER ADVOCATE		
ORGANIZATION:	2816	CONSUMER ADVOCATE		
STRIKE OUT				
	TOTAL FUNDS		674,069	665,235
INSERT IN PLACE THEREOF				
TOTAL FUNDS			704,069	695,235
TOTAL EXPENSES FOR CONSUMER ADVOCATE			704,069	695,235
TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSUMER ADVOCATE				
OTHER FUNDS			704,069	695,235
TOTAL FUNDS			704,069	695,235
TOTAL EXPENSES FOR CONSUMER ADVOCATE			704,069	695,235
TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSUMER ADVOCATE				
OTHER FUNDS			704,069	695,235
TOTAL FUNDS			704,069	695,235
TOTAL EXPENSES FOR PUBLIC UTILITIES COMM.			24,694,030	26,732,515
TOTAL ESTIMATED SOURCE OF FUNDS FOR PUBLIC UTILITIES COMM.				
FEDERAL FUNDS			285,324	283,392
OTHER FUNDS			24,408,706	26,449,123
TOTAL FUNDS			24,694,030	26,732,515
TOTAL EXPENSES FOR PUBLIC UTILITIES COMMISSION			24,694,030	26,732,515
TOTAL ESTIMATED SOURCE OF FUNDS FOR PUBLIC UTILITIES COMMISSION				
FEDERAL FUNDS			285,324	283,392
OTHER FUNDS			24,408,706	26,449,123
TOTAL FUNDS			24,694,030	26,732,515

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	23		
AGENCY:	023		
ACTIVITY:	231010		
ORGANIZATION:	2300		
INSERT			
	General Fund	3,196,646	3,180,326
STRIKE OUT	Highway Funds	3,196,646	3,180,326
STRIKE OUT	TOTAL FUNDS	3,196,646	3,180,326
INSERT IN PLACE THEREOF	TOTAL FUNDS	3,196,646	3,180,326
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER		3,196,646	3,180,326
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER		3,196,646	3,180,326
GENERAL FUND		3,196,646	3,180,326
TOTAL FUNDS			
TOTAL EXPENSES FOR OFFICE OF COMMISSIONER		12,813,247	12,382,248
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF COMMISSIONER			
FEDERAL FUNDS		9,328,862	8,916,323
GENERAL FUND		3,196,646	3,180,326
OTHER FUNDS		287,739	285,599
TOTAL FUNDS		12,813,247	12,382,248
CATEGORY:	02		
DEPARTMENT:	23		
AGENCY:	023		
ACTIVITY:	234010		
ORGANIZATION:	5001		
STRIKE OUT			
	011 Personal Services-Unclassified	87,745	84,818
INSERT IN PLACE THEREOF			
	011 Personal Services-Unclassified	87,745	42,860

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234010	DIVISION OF STATE POLICE	(CONT.)		
ORGANIZATION:	5001	WATERCRAFT SAFETY	(CONT.)		
STRIKE OUT					
060 Benefits				439,226	454,860
INSERT IN PLACE THEREOF					
060 Benefits				439,226	445,601
STRIKE OUT					
TOTAL EXPENSES				2,702,794	2,679,915
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				2,702,794	2,628,698
STRIKE OUT					
003 Revolving Funds				2,702,794	2,679,915
INSERT IN PLACE THEREOF					
003 Revolving Funds				2,702,794	2,628,698
STRIKE OUT					
TOTAL FUNDS				2,702,794	2,679,915
INSERT IN PLACE THEREOF					
TOTAL FUNDS				2,702,794	2,628,698
TOTAL EXPENSES FOR WATERCRAFT SAFETY				2,702,794	2,628,698
TOTAL ESTIMATED SOURCE OF FUNDS FOR WATERCRAFT SAFETY					
OTHER FUNDS				2,702,794	2,628,698
TOTAL FUNDS				2,702,794	2,628,698
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	234010	DIVISION OF STATE POLICE			
ORGANIZATION:	4008	OUTSIDE DETAILS			
STRIKE OUT					
010 Personal Services-Perm. Classi				70,614	68,032
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				64,943	63,285

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234010	DIVISION OF STATE POLICE	(CONT.)		
ORGANIZATION:	4008	OUTSIDE DETAILS	(CONT.)		
STRIKE OUT					
017	FT Employees Special Payments			2,735,001	2,700,000
INSERT IN PLACE THEREOF					
017	FT Employees Special Payments			2,655,001	2,620,000
INSERT					
050	Personal Service-Temp/Appointe			80,000	80,000
STRIKE OUT					
060	Benefits			781,954	774,041
INSERT IN PLACE THEREOF					
060	Benefits			794,979	789,639
STRIKE OUT					
TOTAL EXPENSES				4,787,134	4,786,773
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				4,794,488	4,797,624
STRIKE OUT					
005	Private Local Funds			4,787,134	4,786,773
INSERT IN PLACE THEREOF					
005	Private Local Funds			4,794,488	4,797,624
STRIKE OUT					
TOTAL FUNDS				4,787,134	4,786,773
INSERT IN PLACE THEREOF					
TOTAL FUNDS				4,794,488	4,797,624
TOTAL EXPENSES FOR OUTSIDE DETAILS				4,794,488	4,797,624
TOTAL ESTIMATED SOURCE OF FUNDS FOR OUTSIDE DETAILS				4,794,488	4,797,624
OTHER FUNDS				4,794,488	4,797,624
TOTAL FUNDS				4,794,488	4,797,624

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	23		
AGENCY:	023		
ACTIVITY:	234010		
ORGANIZATION:	5412		
	ADMIN OF JUSTICE AND PUBLIC PRTN		
	DEPARTMENT OF SAFETY		
	SAFETY, DEPT OF		
	DIVISION OF STATE POLICE		
	DETECTIVE BUREAU		
STRIKE OUT		3,674,538	3,589,188
INSERT IN PLACE THEREOF	010 Personal Services-Perm. Classi		
	010 Personal Services-Perm. Classi	4,153,664	4,057,725
STRIKE OUT		146,876	146,876
INSERT IN PLACE THEREOF	030 Equipment New/Replacement		
	030 Equipment New/Replacement	240,238	146,876
STRIKE OUT		2,002,698	2,072,563
INSERT IN PLACE THEREOF	060 Benefits		
	060 Benefits	2,225,532	2,301,432
STRIKE OUT		6,431,168	6,413,142
INSERT IN PLACE THEREOF	TOTAL EXPENSES		
	INSERT IN PLACE THEREOF	7,226,490	7,110,548
STRIKE OUT		1,500,000	1,500,000
INSERT IN PLACE THEREOF	009 Agency Income		
	009 Agency Income	7,226,490	1,500,000
STRIKE OUT		4,931,168	4,913,142
INSERT IN PLACE THEREOF	General Fund		
	General Fund	0	5,610,548
STRIKE OUT		6,431,168	6,413,142
INSERT IN PLACE THEREOF	TOTAL FUNDS		
	INSERT IN PLACE THEREOF	7,226,490	7,110,548
	TOTAL FUNDS		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234010	DIVISION OF STATE POLICE	(CONT.)		
ORGANIZATION:	5412	DETECTIVE BUREAU	(CONT.)		
TOTAL EXPENSES FOR DETECTIVE BUREAU				7,226,490	7,110,548
TOTAL ESTIMATED SOURCE OF FUNDS FOR DETECTIVE BUREAU					
GENERAL FUND				0	5,610,548
OTHER FUNDS				7,226,490	1,500,000
TOTAL FUNDS				7,226,490	7,110,548
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	234010	DIVISION OF STATE POLICE			
ORGANIZATION:	8239	URINE & CODIS TESTING LAB			
INSERT					
009 Agency Income				465,786	0
STRIKE OUT				465,786	462,213
INSERT IN PLACE THEREOF					
General Fund				0	462,213
STRIKE OUT					
TOTAL FUNDS				465,786	462,213
INSERT IN PLACE THEREOF					
TOTAL FUNDS				465,786	462,213
TOTAL EXPENSES FOR URINE & CODIS TESTING LAB				465,786	462,213
TOTAL ESTIMATED SOURCE OF FUNDS FOR URINE & CODIS TESTING LAB					
GENERAL FUND				0	462,213
OTHER FUNDS				465,786	0
TOTAL FUNDS				465,786	462,213

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	234010	DIVISION OF STATE POLICE		
TOTAL EXPENSES FOR DIVISION OF STATE POLICE			22,166,965	22,027,756
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF STATE POLICE				
FEDERAL FUNDS			3,124,171	3,011,170
OTHER FUNDS			0	6,133,981
TOTAL FUNDS			19,042,794	12,882,605
			22,166,965	22,027,756
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	236010	HOMELND SEC - EMER MGMT		
ORGANIZATION:	2730	DIR OF HOMELND SEC - EMER MGMT		
INSERT				
009 Agency Income			530,343	0
STRIKE OUT				
General Fund			530,343	653,130
INSERT IN PLACE THEREOF				
General Fund			0	653,130
STRIKE OUT				
TOTAL FUNDS			530,343	653,130
INSERT IN PLACE THEREOF				
TOTAL FUNDS			530,343	653,130
TOTAL EXPENSES FOR DIR OF HOMELND SEC - EMER MGMT			530,343	653,130
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIR OF HOMELND SEC - EMER MGMT				
GENERAL FUND			0	653,130
OTHER FUNDS			530,343	0
TOTAL FUNDS			530,343	653,130

State of New Hampshire

AMENDMENTS TO HB 0001

FISCAL YEAR 2012 FISCAL YEAR 2013

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 23 DEPARTMENT OF SAFETY
AGENCY: 023 SAFETY, DEPT OF
ACTIVITY: 236010 HOMELND SEC - EMER MGMT
ORGANIZATION: 2740 EMERGENCY MGMT ADMIN

INSERT 244 State Match Public Assistance
STRIKE OUT
TOTAL EXPENSES 184,633 0
INSERT IN PLACE THEREOF 4,093,440 4,122,993
TOTAL EXPENSES 4,278,073 4,122,993
INSERT General Fund 184,633 0
STRIKE OUT
TOTAL FUNDS 4,093,440 4,122,993
INSERT IN PLACE THEREOF 4,278,073 4,122,993
TOTAL FUNDS 4,278,073 4,122,993

TOTAL EXPENSES FOR EMERGENCY MGMT ADMIN
TOTAL ESTIMATED SOURCE OF FUNDS FOR EMERGENCY MGMT ADMIN
FEDERAL FUNDS 1,309,900 1,319,360
GENERAL FUND 184,633 0
OTHER FUNDS 2,783,540 2,803,633
TOTAL FUNDS 4,278,073 4,122,993

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 23 DEPARTMENT OF SAFETY
AGENCY: 023 SAFETY, DEPT OF
ACTIVITY: 236010 HOMELND SEC - EMER MGMT
ORGANIZATION: 8092 100% EMPG LOCAL MATCH

INSERT 029 Intra-Agency Transfers 116,159 119,608
STRIKE OUT
040 Indirect Costs 2,020 2,400
INSERT IN PLACE THEREOF 11,324 16,251
040 Indirect Costs

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236010	HOMELND SEC - EMER MGMT	(CONT.)		
ORGANIZATION:	8092	100% EMPG LOCAL MATCH	(CONT.)		
STRIKE OUT					
041	Audit Fund Set Aside		2,035		2,030
INSERT IN PLACE THEREOF					
041	Audit Fund Set Aside		2,058		2,063
STRIKE OUT					
072	Grants-Federal		2,000,000		2,000,000
INSERT IN PLACE THEREOF					
072	Grants-Federal		1,900,000		1,900,000
STRIKE OUT					
TOTAL EXPENSES			2,032,155		2,031,030
INSERT IN PLACE THEREOF					
TOTAL EXPENSES			2,057,641		2,064,522
STRIKE OUT					
000	Federal Funds		2,032,155		2,031,030
INSERT IN PLACE THEREOF					
000	Federal Funds		2,057,641		2,064,522
STRIKE OUT					
TOTAL FUNDS			2,032,155		2,031,030
INSERT IN PLACE THEREOF					
TOTAL FUNDS			2,057,641		2,064,522
TOTAL EXPENSES FOR 100% EMPG LOCAL MATCH			2,057,641		2,064,522
TOTAL ESTIMATED SOURCE OF FUNDS FOR 100% EMPG LOCAL MATCH					
FEDERAL FUNDS			2,057,641		2,064,522
TOTAL FUNDS			2,057,641		2,064,522
CATEGORY:		ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	236010	HOMELND SEC - EMER MGMT			
ORGANIZATION:	2770	VERMONT YANKEE			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236010	HOMELND SEC - EMER MGMT	(CONT.)		
ORGANIZATION:	2770	VERMONT YANKEE	(CONT.)		
STRIKE OUT					
049		Transfer to Other State Agencies		136,472	126,423
INSERT IN PLACE THEREOF					
049		Transfer to Other State Agencies		159,008	148,959
STRIKE OUT					
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				603,123	603,308
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				625,659	625,844
STRIKE OUT					
005		Private Local Funds		603,123	603,308
INSERT IN PLACE THEREOF					
005		Private Local Funds		625,659	625,844
STRIKE OUT					
TOTAL FUNDS				603,123	603,308
INSERT IN PLACE THEREOF					
TOTAL FUNDS				625,659	625,844
TOTAL EXPENSES FOR VERMONT YANKEE				625,659	625,844
TOTAL ESTIMATED SOURCE OF FUNDS FOR VERMONT YANKEE				625,659	625,844
OTHER FUNDS				625,659	625,844
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	236010	HOMELND SEC - EMER MGMT			
ORGANIZATION:	4378	FLOOD MITIGATION ASSISTANCE			
INSERT					
009		Agency Income		43,012	0

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	238010	HOMELND SEC - EMER MGMT	(CONT.)		
ORGANIZATION:	4378	FLOOD MITIGATION ASSISTANCE	(CONT.)		
STRIKE OUT					
	General Fund			43,012	33,314
INSERT IN PLACE THEREOF					
	General Fund			0	33,314
STRIKE OUT					
	TOTAL FUNDS			2,184,936	1,143,743
INSERT IN PLACE THEREOF					
	TOTAL FUNDS			2,184,936	1,143,743
TOTAL EXPENSES FOR FLOOD MITIGATION ASSISTANCE				2,184,936	1,143,743
TOTAL ESTIMATED SOURCE OF FUNDS FOR FLOOD MITIGATION ASSISTANCE					
FEDERAL FUNDS				2,141,924	1,110,429
GENERAL FUND				0	33,314
OTHER FUNDS				43,012	0
TOTAL FUNDS				2,184,936	1,143,743
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	238010	HOMELND SEC - EMER MGMT			
ORGANIZATION:	2780	SEABROOK STATION			
STRIKE OUT					
	049 Transfer to Other State Agencies			350,929	325,087
INSERT IN PLACE THEREOF					
	049 Transfer to Other State Agencies			408,879	383,037
STRIKE OUT					
	TOTAL EXPENSES			1,150,703	1,017,035
INSERT IN PLACE THEREOF					
	TOTAL EXPENSES			1,208,653	1,074,985

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	238010	HOMELND SEC - EMER MGMT	(CONT.)		
ORGANIZATION:	2780	SEABROOK STATION	(CONT.)		
STRIKE OUT					
005	Private Local Funds			1,150,703	1,017,035
INSERT IN PLACE THEREOF					
005	Private Local Funds			1,208,653	1,074,985
STRIKE OUT					
TOTAL FUNDS				1,150,703	1,017,035
INSERT IN PLACE THEREOF					
TOTAL FUNDS				1,208,653	1,074,985
TOTAL EXPENSES FOR SEABROOK STATION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR SEABROOK STATION				1,208,653	1,074,985
OTHER FUNDS				1,208,653	1,074,985
TOTAL FUNDS					
TOTAL EXPENSES FOR HOMELND SEC - EMER MGMT				20,686,355	15,064,561
TOTAL ESTIMATED SOURCE OF FUNDS FOR HOMELND SEC - EMER MGMT					
FEDERAL FUNDS				14,960,405	9,543,322
GENERAL FUND				184,633	686,444
OTHER FUNDS				5,521,317	4,834,795
TOTAL FUNDS				20,666,355	15,064,561
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	238510	EMERGENCY COMMUNICATIONS			
ORGANIZATION:	1395	BUR OF EMERGENCY COMMUNICATION			
STRIKE OUT					
020	Current Expenses			524,167	585,184
INSERT IN PLACE THEREOF					
020	Current Expenses			505,567	585,184

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS	(CONT.)		
ORGANIZATION:	1395	BUR OF EMERGENCY COMMUNICATION	(CONT.)		
STRIKE OUT					
030	Equipment New/Replacement			37,950	59,030
INSERT IN PLACE THEREOF					
030	Equipment New/Replacement			56,550	59,030
STRIKE OUT					
047	Own Forces Maint.-Build.-Grnds			153,000	3,000
INSERT IN PLACE THEREOF					
047	Own Forces Maint.-Build.-Grnds			3,000	3,000
INSERT					
048	Contractual Maint.-Build-Grnds			150,000	0
STRIKE OUT					
TOTAL EXPENSES				11,259,503	11,207,379
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				11,259,503	11,207,379
TOTAL EXPENSES FOR BUR OF EMERGENCY COMMUNICATION				11,259,503	11,207,379
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUR OF EMERGENCY COMMUNICATION				11,259,503	11,207,379
OTHER FUNDS				11,259,503	11,207,379
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS			
ORGANIZATION:	1870	STATEWIDE TELECOMMUNICATIONS			
STRIKE OUT					
010	Personal Services-Perm. Classi			362,301	353,020
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			430,607	421,973

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS	(CONT.)		
ORGANIZATION:	1870	STATEWIDE TELECOMMUNICATIONS	(CONT.)		
STRIKE OUT					
060 Benefits				163,016	168,934
INSERT IN PLACE THEREOF					
060 Benefits				192,316	199,952
STRIKE OUT					
TOTAL EXPENSES				3,202,672	3,210,755
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				3,300,278	3,310,726
STRIKE OUT					
003 Revolving Funds				3,202,672	3,210,755
INSERT IN PLACE THEREOF					
003 Revolving Funds				3,300,278	3,310,726
STRIKE OUT					
TOTAL FUNDS				3,202,672	3,210,755
INSERT IN PLACE THEREOF					
TOTAL FUNDS				3,300,278	3,310,726
TOTAL EXPENSES FOR STATEWIDE TELECOMMUNICATIONS				3,300,278	3,310,726
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATEWIDE TELECOMMUNICATIONS					
OTHER FUNDS				3,300,278	3,310,726
TOTAL FUNDS				3,300,278	3,310,726
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS			
ORGANIZATION:	4001	COMMUNICATIONS SECTION			
STRIKE OUT					
020 Current Expenses				374,700	406,700
INSERT IN PLACE THEREOF					
020 Current Expenses				368,500	395,200

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	230510	EMERGENCY COMMUNICATIONS	(CONT.)		
ORGANIZATION:	4001	COMMUNICATIONS SECTION	(CONT.)		
INSERT					
	030	Equipment New/Replacement	6,200	11,500	
STRIKE OUT					
TOTAL EXPENSES			1,592,563	1,641,786	
INSERT IN PLACE THEREOF					
TOTAL EXPENSES			1,592,563	1,641,786	
INSERT					
	009	Agency Income	1,592,563	1,641,786	
STRIKE OUT					
TOTAL EXPENSES			1,592,563	1,641,786	
INSERT IN PLACE THEREOF					
TOTAL EXPENSES			1,592,563	1,641,786	
TOTAL EXPENSES FOR COMMUNICATIONS SECTION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNICATIONS SECTION					
OTHER FUNDS			1,592,563	1,641,786	
TOTAL FUNDS			1,592,563	1,641,786	
TOTAL EXPENSES FOR EMERGENCY COMMUNICATIONS					
TOTAL ESTIMATED SOURCE OF FUNDS FOR EMERGENCY COMMUNICATIONS			17,437,373	17,481,605	
OTHER FUNDS			17,437,373	17,481,605	
TOTAL FUNDS			17,437,373	17,481,605	
CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN					
DEPARTMENT: 23 DEPARTMENT OF SAFETY					
AGENCY: 023 SAFETY, DEPT OF					
ACTIVITY: 231015 OFFICE OF COMMISSIONER					
ORGANIZATION: 1234 OFFICE OF POLICY - PLANNING					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	231015	OFFICE OF COMMISSIONER	(CONT.)		
ORGANIZATION:	1234	OFFICE OF POLICY - PLANNING	(CONT.)		
INSERT					
009 Agency Income				35,571	0
STRIKE OUT					
General Fund				35,571	34,932
INSERT IN PLACE THEREOF					
General Fund				0	34,932
STRIKE OUT					
TOTAL FUNDS				118,570	116,441
INSERT IN PLACE THEREOF					
TOTAL FUNDS				118,570	116,441
TOTAL EXPENSES FOR OFFICE OF POLICY - PLANNING				118,570	116,441
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF POLICY - PLANNING					
GENERAL FUND				0	34,932
HIGHWAY FUNDS				82,999	81,509
OTHER FUNDS				35,571	0
TOTAL FUNDS				118,570	116,441
TOTAL EXPENSES FOR OFFICE OF COMMISSIONER				7,422,342	7,619,620
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF COMMISSIONER					
GENERAL FUND				0	34,932
HIGHWAY FUNDS				6,593,181	6,758,507
TURNPIKE FUNDS				537,400	570,455
OTHER FUNDS				291,761	255,726
TOTAL FUNDS				7,422,342	7,619,620

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02 ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23 DEPARTMENT OF SAFETY		
AGENCY:	023 SAFETY, DEPT OF		
ACTIVITY:	232015 DIVISION OF ADMINISTRATION		
ORGANIZATION:	2310 BUSINESS OFFICE		
STRIKE OUT		1,399,701	1,370,704
010 Personal Services-Perm. Classi			
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		1,461,382	1,431,400
STRIKE OUT		805,805	850,544
060 Benefits			
INSERT IN PLACE THEREOF		825,595	870,935
060 Benefits			
STRIKE OUT		2,398,521	2,398,778
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		2,467,992	2,479,865
TOTAL EXPENSES		1,222,446	814,735
STRIKE OUT			
Highway Funds			
INSERT IN PLACE THEREOF		1,303,917	895,822
Highway Funds			
STRIKE OUT		2,398,521	2,398,778
TOTAL FUNDS			
INSERT IN PLACE THEREOF		2,467,992	2,479,865
TOTAL FUNDS			
TOTAL EXPENSES FOR BUSINESS OFFICE		2,467,992	2,479,865
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUSINESS OFFICE			
HIGHWAY FUNDS		1,303,917	895,822
OTHER FUNDS		1,164,075	1,584,043
TOTAL FUNDS		2,467,992	2,479,865

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02 ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23 DEPARTMENT OF SAFETY		
AGENCY:	023 SAFETY, DEPT OF		
ACTIVITY:	232015 DIVISION OF ADMINISTRATION		
ORGANIZATION:	2320 EQUIPMENT CONTROL		
STRIKE OUT		700,361	686,836
010 Personal Services-Perm. Classi			
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		730,359	716,185
STRIKE OUT		407,384	412,090
060 Benefits			
INSERT IN PLACE THEREOF			
060 Benefits		426,831	426,221
STRIKE OUT			
TOTAL EXPENSES		1,243,293	1,215,375
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		1,286,738	1,258,855
STRIKE OUT			
Highway Funds			
INSERT IN PLACE THEREOF		1,243,293	1,215,375
Highway Funds			
STRIKE OUT		1,286,738	1,258,855
TOTAL FUNDS			
INSERT IN PLACE THEREOF		1,243,293	1,215,375
TOTAL FUNDS		1,286,738	1,258,855
TOTAL EXPENSES FOR EQUIPMENT CONTROL			
TOTAL ESTIMATED SOURCE OF FUNDS FOR EQUIPMENT CONTROL		1,286,738	1,258,855
HIGHWAY FUNDS			
TOTAL FUNDS		1,286,738	1,258,855
CATEGORY:	02 ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23 DEPARTMENT OF SAFETY		
AGENCY:	023 SAFETY, DEPT OF		
ACTIVITY:	232015 DIVISION OF ADMINISTRATION		
ORGANIZATION:	3120 ROAD TOLL AUDIT		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	232015	DIVISION OF ADMINISTRATION	(CONT.)		
ORGANIZATION:	3120	ROAD TOLL AUDIT	(CONT.)		
STRIKE OUT					
010	Personal Services-Perm. Classi			474,370	464,182
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			547,932	536,538
STRIKE OUT					
060	Benefits			227,140	238,361
INSERT IN PLACE THEREOF					
060	Benefits			274,963	289,321
STRIKE OUT					
TOTAL EXPENSES				729,910	731,553
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				851,295	854,869
STRIKE OUT					
Highway Funds				729,910	731,553
INSERT IN PLACE THEREOF					
Highway Funds					
STRIKE OUT					
TOTAL FUNDS				851,295	854,869
INSERT IN PLACE THEREOF					
TOTAL FUNDS				729,910	731,553
TOTAL EXPENSES FOR ROAD TOLL AUDIT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR ROAD TOLL AUDIT				851,295	854,869
HIGHWAY FUNDS					
TOTAL FUNDS				851,295	854,869
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	232015	DIVISION OF ADMINISTRATION			
ORGANIZATION:	2330	INFORMATION TECHNOLOGY			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	232015	DIVISION OF ADMINISTRATION	(CONT.)		
ORGANIZATION:	2330	INFORMATION TECHNOLOGY	(CONT.)		
STRIKE OUT					
027 Transfers To DOIT				9,041,666	9,545,968
INSERT IN PLACE THEREOF					
027 Transfers To DOIT				8,265,561	8,790,681
STRIKE OUT					
TOTAL EXPENSES				9,041,666	9,545,968
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				8,265,561	8,790,681
STRIKE OUT					
Highway Funds				8,265,561	8,790,681
INSERT IN PLACE THEREOF					
Highway Funds				9,041,666	9,545,968
STRIKE OUT					
TOTAL FUNDS				8,265,561	8,790,681
INSERT IN PLACE THEREOF					
TOTAL FUNDS				8,265,561	8,790,681
TOTAL EXPENSES FOR INFORMATION TECHNOLOGY					
TOTAL ESTIMATED SOURCE OF FUNDS FOR INFORMATION TECHNOLOGY					
HIGHWAY FUNDS				8,265,561	8,790,681
TOTAL FUNDS				8,265,561	8,790,681
TOTAL EXPENSES FOR DIVISION OF ADMINISTRATION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF ADMINISTRATION					
HIGHWAY FUNDS				14,312,383	14,834,797
OTHER FUNDS					
TOTAL FUNDS				13,148,308	13,250,754
				1,164,075	1,584,043
				14,312,383	14,834,797

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES			
ORGANIZATION:	2311	DRIVER LICENSING			
STRIKE OUT					
010	Personal Services-Perm. Classi			2,019,366	1,942,063
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			2,027,437	1,982,871
STRIKE OUT					
020	Current Expenses			221,199	233,550
INSERT IN PLACE THEREOF					
020	Current Expenses			223,699	238,550
STRIKE OUT					
023	Heat- Electricity - Water			44,522	45,345
INSERT IN PLACE THEREOF					
023	Heat- Electricity - Water			53,522	54,345
STRIKE OUT					
050	Personal Service-Temp/Appointe			100,000	100,000
INSERT IN PLACE THEREOF					
050	Personal Service-Temp/Appointe			107,500	107,500
STRIKE OUT					
060	Benefits			1,361,277	1,335,665
INSERT IN PLACE THEREOF					
060	Benefits			1,405,005	1,409,073
STRIKE OUT					
070	In-State Travel Reimbursement			85,600	95,050
INSERT IN PLACE THEREOF					
070	In-State Travel Reimbursement			93,100	102,550
STRIKE OUT					
TOTAL EXPENSES				5,217,559	5,225,103
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				5,295,858	5,368,319
STRIKE OUT					
Highway Funds				5,217,559	5,225,103
INSERT IN PLACE THEREOF					
Highway Funds				5,295,858	5,368,319

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES	(CONT.)		
ORGANIZATION:	2311	DRIVER LICENSING	(CONT.)		
STRIKE OUT					
TOTAL FUNDS				5,217,559	5,225,103
INSERT IN PLACE THEREOF					
TOTAL FUNDS				5,295,858	5,368,319
TOTAL EXPENSES FOR DRIVER LICENSING				5,295,858	5,368,319
TOTAL ESTIMATED SOURCE OF FUNDS FOR DRIVER LICENSING				5,295,858	5,368,319
HIGHWAY FUNDS				5,295,858	5,368,319
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES			
ORGANIZATION:	2312	MOTOR VEHICLE REGISTRATION			
STRIKE OUT					
010	Personal Services-Perm. Classi			1,801,862	1,741,958
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			1,949,506	1,917,876
STRIKE OUT				93,000	110,000
022	Rents-Leases Other Than State				
INSERT IN PLACE THEREOF					
022	Rents-Leases Other Than State			185,000	202,000
STRIKE OUT				145,000	151,000
050	Personal Service-Temp/Appointe				
INSERT IN PLACE THEREOF					
050	Personal Service-Temp/Appointe			165,000	168,500
STRIKE OUT					
060	Benefits			1,137,814	1,122,849
INSERT IN PLACE THEREOF					
060	Benefits			1,236,418	1,225,122

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES	(CONT.)		
ORGANIZATION:	2312	MOTOR VEHICLE REGISTRATION	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES				3,681,532	3,650,166
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				4,039,780	4,037,857
STRIKE OUT					
Highway Funds				3,681,532	3,650,166
INSERT IN PLACE THEREOF					
Highway Funds				4,039,780	4,037,857
STRIKE OUT					
TOTAL FUNDS				3,681,532	3,650,166
INSERT IN PLACE THEREOF					
TOTAL FUNDS				4,039,780	4,037,857
TOTAL EXPENSES FOR MOTOR VEHICLE REGISTRATION				4,039,780	4,037,857
TOTAL ESTIMATED SOURCE OF FUNDS FOR MOTOR VEHICLE REGISTRATION				4,039,780	4,037,857
HIGHWAY FUNDS				4,039,780	4,037,857
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES			
ORGANIZATION:	2314	CERTIFICATE OF TITLE			
STRIKE OUT					
010 Personal Services-Perm. Classi				837,309	754,283
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				737,962	721,302
STRIKE OUT				629,193	530,463
060 Benefits					
INSERT IN PLACE THEREOF				578,778	517,012
060 Benefits					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	233016	DIVISION OF MOTOR VEHICLES	(CONT.)		
ORGANIZATION:	2314	CERTIFICATE OF TITLE	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES				1,777,952	1,627,896
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				1,628,190	1,581,464
STRIKE OUT		Highway Funds		1,777,952	1,627,896
INSERT IN PLACE THEREOF		Highway Funds			
STRIKE OUT				1,628,190	1,581,464
TOTAL FUNDS				1,777,952	1,627,896
INSERT IN PLACE THEREOF					
TOTAL FUNDS				1,628,190	1,581,464
TOTAL EXPENSES FOR CERTIFICATE OF TITLE				1,628,190	1,581,464
TOTAL ESTIMATED SOURCE OF FUNDS FOR CERTIFICATE OF TITLE				1,628,190	1,581,464
HIGHWAY FUNDS				1,628,190	1,581,464
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	233016	DIVISION OF MOTOR VEHICLES			
ORGANIZATION:	2316	FINANCIAL RESPONSIBILITY			
STRIKE OUT					
010	Personal Services-Perm. Classi			1,203,278	1,147,693
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			1,235,039	1,208,329
STRIKE OUT				854,253	807,849
060	Benefits				
INSERT IN PLACE THEREOF				886,729	857,303
060	Benefits				

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES		
ORGANIZATION:	2316	FINANCIAL RESPONSIBILITY		
STRIKE OUT				
TOTAL EXPENSES			2,351,731	2,256,842
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			2,415,968	2,366,932
STRIKE OUT				
INSERT IN PLACE THEREOF		Highway Funds	2,351,731	2,256,842
		Highway Funds		
STRIKE OUT			2,415,968	2,366,932
TOTAL FUNDS				
INSERT IN PLACE THEREOF			2,351,731	2,256,842
TOTAL FUNDS			2,415,968	2,366,932
TOTAL EXPENSES FOR FINANCIAL RESPONSIBILITY				
TOTAL ESTIMATED SOURCE OF FUNDS FOR FINANCIAL RESPONSIBILITY			2,415,968	2,366,932
HIGHWAY FUNDS			2,415,968	2,366,932
TOTAL FUNDS				
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES		
ORGANIZATION:	3100	ADMIN-DIV OF MOTOR VEHICLES		
STRIKE OUT				
010		Personal Services-Perm. Classi	856,949	843,446
INSERT IN PLACE THEREOF				
010		Personal Services-Perm. Classi	1,006,587	993,452
STRIKE OUT				
020		Current Expenses	40,000	35,000
INSERT IN PLACE THEREOF				
020		Current Expenses	45,000	40,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES	(CONT.)		
ORGANIZATION:	3100	ADMIN-DIV OF MOTOR VEHICLES	(CONT.)		
STRIKE OUT					
060 Benefits				540,018	570,692
INSERT IN PLACE THEREOF					
060 Benefits				626,899	663,404
STRIKE OUT					
TOTAL EXPENSES				1,985,055	2,002,161
INSERT IN PLACE THEREOF				2,226,574	2,249,879
TOTAL EXPENSES				1,985,055	2,002,161
Highway Funds					
INSERT IN PLACE THEREOF				2,226,574	2,249,879
Highway Funds				1,985,055	2,002,161
STRIKE OUT					
TOTAL FUNDS				2,226,574	2,249,879
INSERT IN PLACE THEREOF				1,985,055	2,002,161
TOTAL FUNDS				2,226,574	2,249,879
TOTAL EXPENSES FOR ADMIN-DIV OF MOTOR VEHICLES				2,226,574	2,249,879
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMIN-DIV OF MOTOR VEHICLES				2,226,574	2,249,879
HIGHWAY FUNDS				2,226,574	2,249,879
TOTAL FUNDS				2,226,574	2,249,879
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	233015	DIVISION OF MOTOR VEHICLES			
ORGANIZATION:	2302	ENHANCED EMISSIONS - ADMIN			
STRIKE OUT					
010 Personal Services-Perm. Classi				79,417	77,866
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				130,362	126,936

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	233016	DIVISION OF MOTOR VEHICLES	(CONT.)		
ORGANIZATION:	2302	ENHANCED EMISSIONS - ADMIN	(CONT.)		
STRIKE OUT					
060 Benefits				23,530	24,048
INSERT IN PLACE THEREOF					
060 Benefits				49,365	51,107
STRIKE OUT					
TOTAL EXPENSES				128,047	129,104
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				204,827	205,233
STRIKE OUT				128,047	129,104
Highway Funds					
INSERT IN PLACE THEREOF				204,827	205,233
Highway Funds					
STRIKE OUT				128,047	129,104
TOTAL FUNDS					
INSERT IN PLACE THEREOF				204,827	205,233
TOTAL FUNDS					
TOTAL EXPENSES FOR ENHANCED EMISSIONS - ADMIN				204,827	205,233
TOTAL ESTIMATED SOURCE OF FUNDS FOR ENHANCED EMISSIONS - ADMIN					
HIGHWAY FUNDS				204,827	205,233
TOTAL FUNDS				204,827	205,233
TOTAL EXPENSES FOR DIVISION OF MOTOR VEHICLES				17,061,866	17,096,306
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF MOTOR VEHICLES					
HIGHWAY FUNDS				16,657,070	16,689,551
OTHER FUNDS				404,796	406,755
TOTAL FUNDS				17,061,866	17,096,306

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	23		
AGENCY:	023		
ACTIVITY:	234016		
ORGANIZATION:	2305		
ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT OF SAFETY			
SAFETY, DEPT OF			
DIVISION OF STATE POLICE			
COMMERCIAL ENFORCEMENT			
STRIKE OUT			
010 Personal Services-Perm. Classi		2,617,550	2,565,969
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		2,804,516	2,788,515
STRIKE OUT			
060 Benefits		1,531,908	1,595,469
INSERT IN PLACE THEREOF			
060 Benefits		1,636,382	1,729,406
STRIKE OUT			
TOTAL EXPENSES		4,955,830	4,968,218
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		5,247,270	5,324,701
STRIKE OUT			
Highway Funds		4,955,830	4,968,218
INSERT IN PLACE THEREOF			
Highway Funds		5,247,270	5,324,701
STRIKE OUT			
TOTAL FUNDS			
INSERT IN PLACE THEREOF			
TOTAL FUNDS			
TOTAL EXPENSES FOR COMMERCIAL ENFORCEMENT			
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMERCIAL ENFORCEMENT			
HIGHWAY FUNDS			
TOTAL FUNDS			
		5,247,270	5,324,701
CATEGORY:	02		
DEPARTMENT:	23		
AGENCY:	023		
ACTIVITY:	234016		
ORGANIZATION:	4003		
ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT OF SAFETY			
SAFETY, DEPT OF			
DIVISION OF STATE POLICE			
TRAFFIC BUREAU			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234015	DIVISION OF STATE POLICE	(CONT.)		
ORGANIZATION:	4003	TRAFFIC BUREAU	(CONT.)		
STRIKE OUT					
010	Personal Services-Perm. Classi			13,516,226	13,223,595
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			14,244,805	13,940,942
STRIKE OUT				683,605	610,167
030	Equipment New/Replacement				
INSERT IN PLACE THEREOF				883,605	810,167
030	Equipment New/Replacement			7,826,260	8,132,006
STRIKE OUT					
060	Benefits				
INSERT IN PLACE THEREOF				8,193,903	8,517,545
060	Benefits				
STRIKE OUT				25,598,858	25,550,495
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				26,895,080	26,853,381
TOTAL EXPENSES				20,735,074	20,895,901
STRIKE OUT					
Highway Funds					
INSERT IN PLACE THEREOF				21,785,014	21,751,239
Highway Funds				4,863,784	4,854,594
STRIKE OUT					
Turnpike Funds					
INSERT IN PLACE THEREOF				5,110,066	5,102,142
Turnpike Funds					
STRIKE OUT				25,598,858	25,550,495
TOTAL FUNDS					
INSERT IN PLACE THEREOF				26,895,080	26,853,381
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT: 23	DEPARTMENT OF SAFETY		
AGENCY: 023	SAFETY, DEPT OF		
ACTIVITY: 234015	DIVISION OF STATE POLICE		
ORGANIZATION: 4003	TRAFFIC BUREAU		
TOTAL EXPENSES FOR TRAFFIC BUREAU		26,895,080	26,853,381
TOTAL ESTIMATED SOURCE OF FUNDS FOR TRAFFIC BUREAU			
HIGHWAY FUNDS		21,785,014	21,751,239
TURNPIKE FUNDS		5,110,066	5,102,142
TOTAL FUNDS		26,895,080	26,853,381
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT: 23	DEPARTMENT OF SAFETY		
AGENCY: 023	SAFETY, DEPT OF		
ACTIVITY: 234015	DIVISION OF STATE POLICE		
ORGANIZATION: 4023	STATE POLICE EVIDENCE ACCOUNT		
INSERT			
009 Agency Income		13,500	0
STRIKE OUT		13,500	13,500
INSERT IN PLACE THEREOF			
General Fund			
General Fund		0	13,500
STRIKE OUT			
TOTAL FUNDS		45,000	45,000
INSERT IN PLACE THEREOF			
TOTAL FUNDS		45,000	45,000
TOTAL EXPENSES FOR STATE POLICE EVIDENCE ACCOUNT		45,000	45,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE POLICE EVIDENCE ACCOUNT			
GENERAL FUND		0	13,500
HIGHWAY FUNDS		31,500	31,500
OTHER FUNDS		13,500	0
TOTAL FUNDS		45,000	45,000

State of New Hampshire

AMENDMENTS TO
HB 0001

FISCAL YEAR 2013

FISCAL YEAR 2012

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 23 DEPARTMENT OF SAFETY
AGENCY: 023 SAFETY, DEPT OF
ACTIVITY: 234016 DIVISION OF STATE POLICE
ORGANIZATION: 4010 ENFORCEMENT

STRIKE OUT		
010 Personal Services-Perm. Classi	2,445,945	2,390,463
INSERT IN PLACE THEREOF		
010 Personal Services-Perm. Classi	2,594,808	2,539,863
STRIKE OUT	1,428,021	1,482,591
060 Benefits		
INSERT IN PLACE THEREOF	1,504,731	1,584,203
060 Benefits		
STRIKE OUT	4,702,911	4,720,989
TOTAL EXPENSES		
INSERT IN PLACE THEREOF	4,928,484	4,952,011
TOTAL EXPENSES		
STRIKE OUT	4,702,911	4,720,989
Highway Funds		
INSERT IN PLACE THEREOF	4,928,484	4,952,011
Highway Funds		
STRIKE OUT	4,702,911	4,720,989
TOTAL FUNDS		
INSERT IN PLACE THEREOF	4,928,484	4,952,011
TOTAL FUNDS		
TOTAL EXPENSES FOR ENFORCEMENT	4,928,484	4,952,011
TOTAL ESTIMATED SOURCE OF FUNDS FOR ENFORCEMENT	4,928,484	4,952,011
HIGHWAY FUNDS	4,928,484	4,952,011
TOTAL FUNDS		

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 23 DEPARTMENT OF SAFETY
AGENCY: 023 SAFETY, DEPT OF
ACTIVITY: 234016 DIVISION OF STATE POLICE
ORGANIZATION: 4014 STATE POLICE WITNESS FEES

State of New Hampshire

AMENDMENTS TO
HB 0001

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 23 DEPARTMENT OF SAFETY
AGENCY: 023 SAFETY, DEPT OF
ACTIVITY: 234015 DIVISION OF STATE POLICE
ORGANIZATION: 4014 STATE POLICE WITNESS FEES

(CONT.)
(CONT.)
(CONT.)
(CONT.)

FISCAL YEAR 2013

FISCAL YEAR 2012

INSERT	009	Agency Income	18,000	0
STRIKE OUT		General Fund	18,000	15,000
INSERT IN PLACE THEREOF		General Fund	0	15,000
STRIKE OUT		TOTAL FUNDS	600,000	500,000
INSERT IN PLACE THEREOF		TOTAL FUNDS	600,000	500,000
TOTAL EXPENSES FOR STATE POLICE WITNESS FEES			600,000	500,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE POLICE WITNESS FEES			0	15,000
GENERAL FUND			480,000	400,000
HIGHWAY FUNDS			102,000	85,000
TURNPIKE FUNDS			18,000	0
OTHER FUNDS			600,000	500,000
TOTAL FUNDS				

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 23 DEPARTMENT OF SAFETY
AGENCY: 023 SAFETY, DEPT OF
ACTIVITY: 234015 DIVISION OF STATE POLICE
ORGANIZATION: 4022 STATE POLICE FORENSIC LAB

(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT	010	Personal Services-Perm	1,722,902	1,683,360
INSERT IN PLACE THEREOF		Classi		
STRIKE OUT	010	Personal Services-Perm	1,770,689	1,730,370
INSERT IN PLACE THEREOF		Classi		
STRIKE OUT	060	Benefits	858,192	902,822
INSERT IN PLACE THEREOF				
STRIKE OUT	060	Benefits	883,396	929,471
INSERT IN PLACE THEREOF				

Prepared By: Office of Legislative Budget Assistant
Run Time: 5/26/2011 6:20:10PM

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234015	DIVISION OF STATE POLICE	(CONT.)		
ORGANIZATION:	4022	STATE POLICE FORENSIC LAB	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES				2,841,694	2,869,462
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				2,914,685	2,943,121
INSERT					
009 Agency Income					
STRIKE OUT				874,406	0
INSERT IN PLACE THEREOF				852,509	860,839
General Fund					
General Fund				0	
STRIKE OUT				1,989,185	882,937
Highway Funds					
INSERT IN PLACE THEREOF				2,008,623	2,008,623
Highway Funds					
STRIKE OUT				2,040,279	2,060,184
TOTAL FUNDS				2,841,694	2,869,462
INSERT IN PLACE THEREOF				2,914,685	2,943,121
TOTAL FUNDS					
TOTAL EXPENSES FOR STATE POLICE FORENSIC LAB				2,914,685	2,943,121
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE POLICE FORENSIC LAB					
GENERAL FUND				0	882,937
HIGHWAY FUNDS				2,040,279	2,060,184
OTHER FUNDS				874,406	0
TOTAL FUNDS				2,914,685	2,943,121

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234015	DIVISION OF STATE POLICE	(CONT.)		
TOTAL EXPENSES FOR DIVISION OF STATE POLICE				43,501,192	43,547,123
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF STATE POLICE					
FEDERAL FUNDS					
GENERAL FUND				757,819	787,504
HIGHWAY FUNDS				0	911,437
TURNPIKE FUNDS				36,544,969	36,580,608
OTHER FUNDS				5,292,498	5,267,574
TOTAL FUNDS				905,906	0
				43,501,192	43,547,123
TOTAL EXPENSES FOR SAFETY, DEPT OF				170,726,083	164,211,840
TOTAL ESTIMATED SOURCE OF FUNDS FOR SAFETY, DEPT OF					
FEDERAL FUNDS					
GENERAL FUND				29,679,311	22,752,151
HIGHWAY FUNDS				3,854,464	11,430,538
TURNPIKE FUNDS				74,458,528	74,686,920
OTHER FUNDS				5,882,448	5,890,579
TOTAL FUNDS				56,851,332	49,451,652
				170,726,083	164,211,840
TOTAL EXPENSES FOR DEPARTMENT OF SAFETY				170,726,083	164,211,840
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF SAFETY					
FEDERAL FUNDS					
GENERAL FUND				29,679,311	22,752,151
HIGHWAY FUNDS				3,854,464	11,430,538
TURNPIKE FUNDS				74,458,528	74,686,920
OTHER FUNDS				5,882,448	5,890,579
TOTAL FUNDS				56,851,332	49,451,652
				170,726,083	164,211,840

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	46		
AGENCY:	046		
ACTIVITY:	460010		
ORGANIZATION:	7101		
ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT OF CORRECTIONS			
CORRECTIONS- DEPT OF			
OFFICE OF THE COMMISSIONER			
COMMISSIONER'S OFFICE			
STRIKE OUT			
010 Personal Services-Perm. Classi		244,936	241,117
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		345,861	338,442
STRIKE OUT		60,448	60,448
020 Current Expenses			
INSERT IN PLACE THEREOF		63,629	63,629
020 Current Expenses		165,288	172,353
STRIKE OUT			
060 Benefits			
INSERT IN PLACE THEREOF		202,150	210,463
060 Benefits			
STRIKE OUT			
TOTAL EXPENSES		925,315	923,167
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		1,066,283	1,061,783
General Fund		925,315	923,167
INSERT IN PLACE THEREOF			
General Fund		1,066,283	1,061,783
STRIKE OUT			
TOTAL FUNDS		925,315	923,167
INSERT IN PLACE THEREOF			
TOTAL FUNDS		1,066,283	1,061,783
TOTAL EXPENSES FOR COMMISSIONER'S OFFICE			
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMISSIONER'S OFFICE			
GENERAL FUND			
TOTAL FUNDS			
TOTAL EXPENSES FOR COMMISSIONER'S OFFICE			
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMISSIONER'S OFFICE			
GENERAL FUND			
TOTAL FUNDS			
TOTAL EXPENSES FOR COMMISSIONER'S OFFICE			
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMISSIONER'S OFFICE			
GENERAL FUND			
TOTAL FUNDS			

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	46		
AGENCY:	046		
ACTIVITY:	460010		
ORGANIZATION:	7170		
STRIKE OUT			
020 Current Expenses		25,762	25,762
INSERT IN PLACE THEREOF			
020 Current Expenses		27,118	27,118
STRIKE OUT			
TOTAL EXPENSES		355,760	358,415
INSERT IN PLACE THEREOF		357,116	359,771
TOTAL EXPENSES		355,760	358,415
STRIKE OUT			
General Fund		357,116	359,771
INSERT IN PLACE THEREOF			
General Fund		355,760	358,415
STRIKE OUT			
TOTAL FUNDS		357,116	359,771
INSERT IN PLACE THEREOF			
TOTAL FUNDS		357,116	359,771
TOTAL EXPENSES FOR PAROLE BOARD			
TOTAL ESTIMATED SOURCE OF FUNDS FOR PAROLE BOARD			
GENERAL FUND		357,116	359,771
TOTAL FUNDS		357,116	359,771
CATEGORY:	02		
DEPARTMENT:	46		
AGENCY:	046		
ACTIVITY:	460010		
ORGANIZATION:	8301		
STRIKE OUT			
010 Personal Services-Perm. Classi		474,301	465,775
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		505,121	496,663

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	460010	OFFICE OF THE COMMISSIONER		
ORGANIZATION:	8301	HUMAN RESOURCES		
STRIKE OUT				
020 Current Expenses		(CONT.)	3,282	3,282
INSERT IN PLACE THEREOF		(CONT.)		
020 Current Expenses		(CONT.)	3,455	3,455
STRIKE OUT		(CONT.)	259,967	274,822
060 Benefits		(CONT.)		
INSERT IN PLACE THEREOF			266,138	280,991
STRIKE OUT				
TOTAL EXPENSES			767,983	774,872
INSERT IN PLACE THEREOF			805,147	812,102
TOTAL EXPENSES			767,983	774,872
STRIKE OUT				
General Fund				
INSERT IN PLACE THEREOF			805,147	812,102
General Fund				
STRIKE OUT			767,983	774,872
TOTAL FUNDS			805,147	812,102
INSERT IN PLACE THEREOF				
TOTAL FUNDS			805,147	812,102
TOTAL EXPENSES FOR HUMAN RESOURCES				
TOTAL ESTIMATED SOURCE OF FUNDS FOR HUMAN RESOURCES			805,147	812,102
GENERAL FUND			805,147	812,102
TOTAL FUNDS				
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER			2,415,084	2,419,201
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				
GENERAL FUND			2,415,084	2,419,201
TOTAL FUNDS			2,415,084	2,419,201

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	460510	CORRECTIONS GRANTS			
ORGANIZATION:	8333	PRISON RAPE ELIMINATION ACT			
INSERT					
010	Personal Services-Perm. Classi				0
INSERT					
020	Current Expenses				0
INSERT					
030	Equipment New/Replacement				0
INSERT					
040	Indirect Costs				0
INSERT					
041	Audit Fund Set Aside				0
INSERT					
042	Additional Fringe Benefits				0
INSERT					
060	Benefits				0
INSERT					
070	In-State Travel Reimbursement				0
INSERT					
080	Out-Of State Travel				0
INSERT					
102	Contracts for program services				0
INSERT					
	TOTAL EXPENSES				0
INSERT					
000	Federal Funds				0
INSERT					
	TOTAL FUNDS				0
	TOTAL EXPENSES FOR PRISON RAPE ELIMINATION ACT				0
	TOTAL ESTIMATED SOURCE OF FUNDS FOR PRISON RAPE ELIMINATION ACT				0
	FEDERAL FUNDS				0
	TOTAL FUNDS				0

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT: 46 DEPARTMENT OF CORRECTIONS			
AGENCY: 046 CORRECTIONS- DEPT OF			
ACTIVITY: 460510 CORRECTIONS GRANTS			
ORGANIZATION: 8338 VICTIMS SERVICES COORDINATOR			
STRIKE OUT		2,631	2,631
020 Current Expenses			
INSERT IN PLACE THEREOF			
020 Current Expenses		2,769	2,769
STRIKE OUT		189,136	193,125
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		189,274	193,263
TOTAL EXPENSES		51,044	55,565
STRIKE OUT			
General Fund			
INSERT IN PLACE THEREOF		51,182	55,703
General Fund			
STRIKE OUT		189,136	193,125
TOTAL FUNDS			
INSERT IN PLACE THEREOF		189,274	193,263
TOTAL FUNDS		189,274	193,263
TOTAL EXPENSES FOR VICTIMS SERVICES COORDINATOR			
TOTAL ESTIMATED SOURCE OF FUNDS FOR VICTIMS SERVICES COORDINATOR			
GENERAL FUND		51,182	55,703
OTHER FUNDS		138,092	137,560
TOTAL FUNDS		189,274	193,263
CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT: 46 DEPARTMENT OF CORRECTIONS			
AGENCY: 046 CORRECTIONS- DEPT OF			
ACTIVITY: 460510 CORRECTIONS GRANTS			
ORGANIZATION: 8672 SEXUAL ASSAULT PREVENTION AND RESPONSE			
INSERT		52,131	0
010 Personal Services-Perm. Classi			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	460510	CORRECTIONS GRANTS	(CONT.)		
ORGANIZATION:	8672	SEXUAL ASSAULT PREVENTION AND RESPONSE	(CONT.)		
INSERT					
020	Current Expenses			1,300	0
INSERT					
042	Additional Fringe Benefits			5,949	0
INSERT					
060	Benefits			24,333	0
INSERT					
070	In-State Travel Reimbursement			1,000	0
INSERT					
TOTAL EXPENSES				84,713	0
INSERT					
009	Agency Income			84,713	0
INSERT					
TOTAL FUNDS				84,713	0
TOTAL EXPENSES FOR SEXUAL ASSAULT PREVENTION AND RESPONSE				84,713	0
TOTAL ESTIMATED SOURCE OF FUNDS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE					
OTHER FUNDS				84,713	0
TOTAL FUNDS				84,713	0
TOTAL EXPENSES FOR CORRECTIONS GRANTS				860,733	650,638
TOTAL ESTIMATED SOURCE OF FUNDS FOR CORRECTIONS GRANTS					
FEDERAL FUNDS				401,460	276,546
GENERAL FUND				51,182	55,703
OTHER FUNDS				408,091	318,389
TOTAL FUNDS				860,733	650,638

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02		
DEPARTMENT:	46		
AGENCY:	046		
ACTIVITY:	461010		
ORGANIZATION:	8300		
ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT OF CORRECTIONS			
CORRECTIONS- DEPT OF			
DIVISION OF ADMINISTRATION			
FINANCIAL SERVICES			
STRIKE OUT		735,275	723,048
010 Personal Services-Perm. Classi			
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		783,340	771,424
STRIKE OUT		6,083	6,083
020 Current Expenses			
INSERT IN PLACE THEREOF		6,403	6,403
020 Current Expenses		399,485	422,393
STRIKE OUT			
060 Benefits			
INSERT IN PLACE THEREOF		426,372	450,880
060 Benefits			
STRIKE OUT		2,961,389	2,975,966
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		3,036,661	3,053,149
TOTAL EXPENSES		2,961,389	2,975,966
STRIKE OUT			
General Fund		3,036,661	3,053,149
INSERT IN PLACE THEREOF			
General Fund		2,961,389	2,975,966
STRIKE OUT			
TOTAL FUNDS		3,036,661	3,053,149
INSERT IN PLACE THEREOF			
TOTAL FUNDS			
TOTAL EXPENSES FOR FINANCIAL SERVICES		3,036,661	3,053,149
TOTAL ESTIMATED SOURCE OF FUNDS FOR FINANCIAL SERVICES			
GENERAL FUND		3,036,661	3,053,149
TOTAL FUNDS		3,036,661	3,053,149

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	461010	DIVISION OF ADMINISTRATION	(CONT.)		
TOTAL EXPENSES FOR DIVISION OF ADMINISTRATION		3,730,502		3,746,990	
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF ADMINISTRATION		3,730,502		3,746,990	
GENERAL FUND		3,730,502		3,746,990	
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	463010	STATE PRISON FOR MEN			
ORGANIZATION:	7113	NHSPM - ADMINISTRATION			
STRIKE OUT		95,382		95,382	
020 Current Expenses					
INSERT IN PLACE THEREOF		100,402		100,402	
020 Current Expenses					
STRIKE OUT		398,768		396,930	
TOTAL EXPENSES					
INSERT IN PLACE THEREOF		403,788		401,950	
TOTAL EXPENSES					
STRIKE OUT		398,768		396,930	
General Fund					
INSERT IN PLACE THEREOF		403,788		401,950	
General Fund					
STRIKE OUT		398,768		396,930	
TOTAL FUNDS					
INSERT IN PLACE THEREOF		403,788		401,950	
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT: 46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY: 046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY: 463010	STATE PRISON FOR MEN	(CONT.)		
ORGANIZATION: 7113	NHSP/M - ADMINISTRATION	(CONT.)		
TOTAL EXPENSES FOR NHSP/M - ADMINISTRATION			403,788	401,950
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSP/M - ADMINISTRATION			403,788	401,950
GENERAL FUND			403,788	401,950
TOTAL FUNDS				
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT: 46	DEPARTMENT OF CORRECTIONS			
AGENCY: 046	CORRECTIONS- DEPT OF			
ACTIVITY: 463010	STATE PRISON FOR MEN			
ORGANIZATION: 7120	NHSP/M - SECURITY			
STRIKE OUT			145,227	145,227
020 Current Expenses				
INSERT IN PLACE THEREOF			152,871	152,871
020 Current Expenses				
STRIKE OUT			24,171,478	24,370,516
TOTAL EXPENSES			24,179,122	24,378,160
INSERT IN PLACE THEREOF			24,171,478	24,370,516
TOTAL EXPENSES				
STRIKE OUT			24,179,122	24,378,160
General Fund				
INSERT IN PLACE THEREOF			24,171,478	24,370,516
General Fund				
STRIKE OUT			24,179,122	24,378,160
TOTAL FUNDS			24,171,478	24,370,516
INSERT IN PLACE THEREOF			24,179,122	24,378,160
TOTAL FUNDS				

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT: 46	DEPARTMENT OF CORRECTIONS		
AGENCY: 046	(CONT.)		
ACTIVITY: 463010	(CONT.)		
ORGANIZATION: 7120	(CONT.)		
	STATE PRISON FOR MEN		
	NHSP/M - SECURITY		
TOTAL EXPENSES FOR NHSP/M - SECURITY		24,179,122	24,378,160
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSP/M - SECURITY		24,179,122	24,378,160
GENERAL FUND		24,179,122	24,378,160
TOTAL FUNDS			
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT: 46	DEPARTMENT OF CORRECTIONS		
AGENCY: 046	CORRECTIONS- DEPT OF		
ACTIVITY: 463010	STATE PRISON FOR MEN		
ORGANIZATION: 7140	NHSP/M - MAINTENANCE		
STRIKE OUT			
020 Current Expenses		192,031	192,031
INSERT IN PLACE THEREOF			
020 Current Expenses		202,138	202,138
STRIKE OUT			
TOTAL EXPENSES		4,561,552	4,678,184
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		4,571,659	4,688,291
General Fund		4,561,552	4,678,184
INSERT IN PLACE THEREOF			
General Fund		4,571,659	4,688,291
STRIKE OUT			
TOTAL FUNDS		4,561,552	4,678,184
INSERT IN PLACE THEREOF			
TOTAL FUNDS		4,571,659	4,688,291

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		(CONT.)	
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		(CONT.)	
AGENCY:	046	CORRECTIONS- DEPT OF		(CONT.)	
ACTIVITY:	463010	STATE PRISON FOR MEN		(CONT.)	
ORGANIZATION:	7140	NHSP/M - MAINTENANCE		(CONT.)	
TOTAL EXPENSES FOR NHSP/M - MAINTENANCE		4,571,659		4,688,291	
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSP/M - MAINTENANCE		4,571,659		4,688,291	
GENERAL FUND		4,571,659		4,688,291	
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	463010	STATE PRISON FOR MEN			
ORGANIZATION:	7876	NHSP/M - LAUNDRY			
STRIKE OUT		18,711		18,711	
020 Current Expenses					
INSERT IN PLACE THEREOF		19,696		19,696	
020 Current Expenses					
STRIKE OUT		214,320		214,673	
TOTAL EXPENSES					
INSERT IN PLACE THEREOF		215,305		215,658	
TOTAL EXPENSES		214,320		214,673	
STRIKE OUT					
General Fund		215,305		215,658	
INSERT IN PLACE THEREOF					
General Fund		214,320		214,673	
STRIKE OUT					
TOTAL FUNDS					
INSERT IN PLACE THEREOF		215,305		215,658	
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	463010	STATE PRISON FOR MEN	(CONT.)		
ORGANIZATION:	7875	NHSP/M - LAUNDRY	(CONT.)		
TOTAL EXPENSES FOR NHSP/M - LAUNDRY				215,305	215,658
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSP/M - LAUNDRY				215,305	215,658
GENERAL FUND				215,305	215,658
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	463010	STATE PRISON FOR MEN			
ORGANIZATION:	7103	NHSP/M - KITCHEN			
STRIKE OUT				58,580	58,580
020 Current Expenses					
INSERT IN PLACE THEREOF				61,663	61,663
020 Current Expenses					
STRIKE OUT				2,609,299	2,621,760
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				2,612,382	2,624,843
TOTAL EXPENSES				2,609,299	2,621,760
STRIKE OUT					
General Fund				2,612,382	2,624,843
INSERT IN PLACE THEREOF					
General Fund				2,609,299	2,621,760
STRIKE OUT					
TOTAL FUNDS					
INSERT IN PLACE THEREOF				2,612,382	2,624,843
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	463010	STATE PRISON FOR MEN		
ORGANIZATION:	7103	NHSP/M - KITCHEN		
			2,612,382	2,624,843
TOTAL EXPENSES FOR NHSP/M - KITCHEN				
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSP/M - KITCHEN				
GENERAL FUND			2,612,382	2,624,843
TOTAL FUNDS			2,612,382	2,624,843
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	463010	STATE PRISON FOR MEN		
ORGANIZATION:	7108	NHSP/M - WAREHOUSE		
STRIKE OUT			408,955	408,955
020 Current Expenses				
INSERT IN PLACE THEREOF				
020 Current Expenses			430,479	430,479
STRIKE OUT				
TOTAL EXPENSES			733,568	736,723
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			755,092	758,247
STRIKE OUT				
General Fund			733,568	736,723
INSERT IN PLACE THEREOF				
General Fund			755,092	758,247
STRIKE OUT				
TOTAL FUNDS			733,568	736,723
INSERT IN PLACE THEREOF				
TOTAL FUNDS			755,092	758,247

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	463010	STATE PRISON FOR MEN		
ORGANIZATION:	7108	NHSP/M - WAREHOUSE		
TOTAL EXPENSES FOR NHSP/M - WAREHOUSE			755,092	758,247
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSP/M - WAREHOUSE			755,092	758,247
GENERAL FUND			755,092	758,247
TOTAL FUNDS				
TOTAL EXPENSES FOR STATE PRISON FOR MEN			32,737,348	33,067,149
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE PRISON FOR MEN			32,737,348	33,067,149
GENERAL FUND			32,737,348	33,067,149
TOTAL FUNDS				
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	464010	DIVISION OF FIELD SERVICES		
ORGANIZATION:	8302	DISTRICT OFFICES		
STRIKE OUT				
020	Current Expenses		197,762	197,762
INSERT IN PLACE THEREOF				
020	Current Expenses		208,171	208,171
STRIKE OUT				
TOTAL EXPENSES			9,433,942	9,491,301
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			9,444,351	9,501,710
STRIKE OUT				
General Fund			9,433,942	9,491,301
INSERT IN PLACE THEREOF				
General Fund			9,444,351	9,501,710

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02			
DEPARTMENT:	46	ADMIN OF JUSTICE AND PUBLIC PRTN		
AGENCY:	046	DEPARTMENT OF CORRECTIONS		
ACTIVITY:	464010	CORRECTIONS- DEPT OF		
ORGANIZATION:	8302	DIVISION OF FIELD SERVICES		
		DISTRICT OFFICES		
STRIKE OUT				
TOTAL FUNDS			9,433,942	9,491,301
INSERT IN PLACE THEREOF				
TOTAL FUNDS			9,444,351	9,501,710
TOTAL EXPENSES FOR DISTRICT OFFICES				
TOTAL ESTIMATED SOURCE OF FUNDS FOR DISTRICT OFFICES				
GENERAL FUND				
TOTAL FUNDS			9,444,351	9,501,710
TOTAL EXPENSES FOR DIVISION OF FIELD SERVICES				
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF FIELD SERVICES				
GENERAL FUND				
TOTAL FUNDS			9,444,351	9,501,710
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	464510	COMMUNITY CORRECTIONS		
ORGANIZATION:	5172	SHEA FARM		
STRIKE OUT				
020 Current Expenses			6,985	6,985
INSERT IN PLACE THEREOF				
020 Current Expenses			7,353	7,353
STRIKE OUT				
TOTAL EXPENSES			860,781	862,164
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			861,149	862,532

State of New Hampshire

AMENDMENTS TO				FISCAL YEAR 2012	FISCAL YEAR 2013
HB 0001					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	464510	COMMUNITY CORRECTIONS	(CONT.)		
ORGANIZATION:	5172	SHEA FARM	(CONT.)		
STRIKE OUT				860,781	862,164
INSERT IN PLACE THEREOF		General Fund			
INSERT IN PLACE THEREOF		General Fund		861,149	862,532
STRIKE OUT					
INSERT IN PLACE THEREOF				860,781	862,164
TOTAL FUNDS				861,149	862,532
TOTAL FUNDS					
TOTAL EXPENSES FOR SHEA FARM				861,149	862,532
TOTAL ESTIMATED SOURCE OF FUNDS FOR SHEA FARM				861,149	862,532
GENERAL FUND				861,149	862,532
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	464510	COMMUNITY CORRECTIONS			
ORGANIZATION:	7874	CALUMET HOUSE			
STRIKE OUT				8,616	8,616
020 Current Expenses					
INSERT IN PLACE THEREOF				9,070	9,070
020 Current Expenses					
STRIKE OUT				951,649	955,383
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				952,103	955,837
TOTAL EXPENSES				951,649	955,383
STRIKE OUT					
INSERT IN PLACE THEREOF		General Fund			
INSERT IN PLACE THEREOF		General Fund		952,103	955,837

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02				
DEPARTMENT:	46				
AGENCY:	046				
ACTIVITY:	464510				
ORGANIZATION:	7874				
STRIKE OUT					
	TOTAL FUNDS	951,649		955,383	
INSERT IN PLACE THEREOF					
TOTAL FUNDS		952,103		955,837	
TOTAL EXPENSES FOR CALUMET HOUSE					
TOTAL ESTIMATED SOURCE OF FUNDS FOR CALUMET HOUSE					
GENERAL FUND		952,103		955,837	
TOTAL FUNDS		952,103		955,837	
ADMIN OF JUSTICE AND PUBLIC PRTN					
CATEGORY:	02				
DEPARTMENT:	46				
AGENCY:	046				
ACTIVITY:	464510				
ORGANIZATION:	7106				
STRIKE OUT					
	020 Current Expenses	875		875	
INSERT IN PLACE THEREOF					
	020 Current Expenses	921		921	
STRIKE OUT					
	TOTAL EXPENSES	1,189,664		1,192,956	
INSERT IN PLACE THEREOF					
TOTAL EXPENSES		1,189,710		1,193,002	
STRIKE OUT					
	General Fund	1,189,664		1,192,956	
INSERT IN PLACE THEREOF					
General Fund		1,189,710		1,193,002	
STRIKE OUT					
	TOTAL FUNDS	1,189,664		1,192,956	
INSERT IN PLACE THEREOF					
TOTAL FUNDS		1,189,710		1,193,002	

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT: 46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY: 046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY: 464510	COMMUNITY CORRECTIONS	(CONT.)		
ORGANIZATION: 7106	NHSP/M - MINIMUM SECURITY UNIT	(CONT.)		
	TOTAL EXPENSES FOR NHSP/M - MINIMUM SECURITY UNIT		1,189,710	1,193,002
	TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSP/M - MINIMUM SECURITY UNIT		1,189,710	1,193,002
	GENERAL FUND		1,189,710	1,193,002
	TOTAL FUNDS			
CATEGORY: 02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT: 46	DEPARTMENT OF CORRECTIONS			
AGENCY: 046	CORRECTIONS- DEPT OF			
ACTIVITY: 464510	COMMUNITY CORRECTIONS			
ORGANIZATION: 7107	NORTH END HOUSE			
	STRIKE OUT			
020 Current Expenses			5,273	5,273
INSERT IN PLACE THEREOF				
020 Current Expenses			5,551	5,551
STRIKE OUT				
TOTAL EXPENSES			667,292	670,168
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			667,570	670,446
STRIKE OUT				
General Fund			667,292	670,168
INSERT IN PLACE THEREOF				
General Fund			667,570	670,446
STRIKE OUT				
TOTAL FUNDS			667,292	670,168
INSERT IN PLACE THEREOF				
TOTAL FUNDS			667,570	670,446

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02				
DEPARTMENT:	46				
AGENCY:	046				
ACTIVITY:	464510				
ORGANIZATION:	7107				
ADMIN OF JUSTICE AND PUBLIC PRTN					
DEPARTMENT OF CORRECTIONS					
CORRECTIONS- DEPT OF					
COMMUNITY CORRECTIONS					
NORTH END HOUSE					
(CONT.)					
TOTAL EXPENSES FOR NORTH END HOUSE		667,570		670,446	
TOTAL ESTIMATED SOURCE OF FUNDS FOR NORTH END HOUSE		667,570		670,446	
GENERAL FUND		667,570		670,446	
TOTAL FUNDS					
ADMIN OF JUSTICE AND PUBLIC PRTN					
DEPARTMENT OF CORRECTIONS					
CORRECTIONS- DEPT OF					
COMMUNITY CORRECTIONS					
COMMUNITY CORRECTIONS					
(CONT.)					
TOTAL EXPENSES FOR NORTH END HOUSE		14,250		14,250	
TOTAL ESTIMATED SOURCE OF FUNDS FOR NORTH END HOUSE		15,000		15,000	
GENERAL FUND		15,000		15,000	
TOTAL FUNDS					
ADMIN OF JUSTICE AND PUBLIC PRTN					
DEPARTMENT OF CORRECTIONS					
CORRECTIONS- DEPT OF					
COMMUNITY CORRECTIONS					
COMMUNITY CORRECTIONS					
(CONT.)					
TOTAL EXPENSES		1,387,482		1,332,345	
TOTAL EXPENSES		1,388,232		1,333,095	
TOTAL EXPENSES		1,387,482		1,332,345	
TOTAL EXPENSES		1,388,232		1,333,095	
TOTAL EXPENSES		1,387,482		1,332,345	
TOTAL EXPENSES		1,388,232		1,333,095	
TOTAL EXPENSES		1,387,482		1,332,345	
TOTAL EXPENSES		1,388,232		1,333,095	

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	464510	COMMUNITY CORRECTIONS		
ORGANIZATION:	5043	COMMUNITY CORRECTIONS		
TOTAL EXPENSES FOR COMMUNITY CORRECTIONS			1,388,232	1,333,095
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNITY CORRECTIONS				
GENERAL FUND			1,388,232	1,333,095
TOTAL FUNDS			1,388,232	1,333,095
TOTAL EXPENSES FOR COMMUNITY CORRECTIONS			5,058,764	5,014,912
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNITY CORRECTIONS				
GENERAL FUND			5,058,764	5,014,912
TOTAL FUNDS			5,058,764	5,014,912
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	465010	MEDICAL AND FORENSIC SERVICES		
ORGANIZATION:	5833	SECURE PSYCHIATRIC UNIT		
STRIKE OUT				
020 Current Expenses			60,425	60,425
INSERT IN PLACE THEREOF				
020 Current Expenses			63,605	63,605
STRIKE OUT				
TOTAL EXPENSES			3,614,291	3,632,493
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			3,617,471	3,635,673
STRIKE OUT				
General Fund			3,614,291	3,632,493
INSERT IN PLACE THEREOF				
General Fund			3,617,471	3,635,673

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	468010	MEDICAL AND FORENSIC SERVICES	(CONT.)		
ORGANIZATION:	5833	SECURE PSYCHIATRIC UNIT	(CONT.)		
STRIKE OUT					
	TOTAL FUNDS			3,614,291	3,632,493
INSERT IN PLACE THEREOF					
TOTAL FUNDS				3,617,471	3,635,673
TOTAL EXPENSES FOR SECURE PSYCHIATRIC UNIT				3,617,471	3,635,673
TOTAL ESTIMATED SOURCE OF FUNDS FOR SECURE PSYCHIATRIC UNIT				3,617,471	3,635,673
GENERAL FUND				3,617,471	3,635,673
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	468010	MEDICAL AND FORENSIC SERVICES			
ORGANIZATION:	8236	PHARMACY			
STRIKE OUT					
	010	Personal Services-Perm. Classi		508,526	494,795
INSERT IN PLACE THEREOF					
	010	Personal Services-Perm. Classi		538,186	523,441
STRIKE OUT				15,000	15,000
	018	Overtime			
INSERT IN PLACE THEREOF				11,744	11,920
	018	Overtime		36,393	36,393
STRIKE OUT					
	020	Current Expenses			
INSERT IN PLACE THEREOF				38,308	38,308
	020	Current Expenses		233,012	246,156
STRIKE OUT					
	060	Benefits			
INSERT IN PLACE THEREOF				256,226	270,715
	060	Benefits			

State of New Hampshire

AMENDMENTS TO HB 0001

CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	468010	MEDICAL AND FORENSIC SERVICES	(CONT.)		
ORGANIZATION:	8236	PHARMACY	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES				3,021,586	3,098,956
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				3,073,119	3,150,996
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF				3,021,586	3,098,956
General Fund					
STRIKE OUT					
TOTAL FUNDS				3,073,119	3,150,996
INSERT IN PLACE THEREOF					
TOTAL FUNDS				3,073,119	3,150,996
TOTAL EXPENSES FOR PHARMACY					
TOTAL ESTIMATED SOURCE OF FUNDS FOR PHARMACY					
GENERAL FUND				3,073,119	3,150,996
TOTAL FUNDS				3,073,119	3,150,996

CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	468010	MEDICAL AND FORENSIC SERVICES			
ORGANIZATION:	8235	RESIDENTIAL TREATMENT PROGRAM			
STRIKE OUT					
020 Current Expenses				46,973	46,973
INSERT IN PLACE THEREOF					
020 Current Expenses				49,445	49,445
STRIKE OUT					
TOTAL EXPENSES				3,027,763	3,041,198
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				3,030,235	3,043,670

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	(CONT.)		
DEPARTMENT:	46	(CONT.)		
AGENCY:	046	(CONT.)		
ACTIVITY:	465010	(CONT.)		
ORGANIZATION:	8235	(CONT.)		
STRIKE OUT				
General Fund			3,027,763	3,041,198
INSERT IN PLACE THEREOF				
General Fund			3,030,235	3,043,670
STRIKE OUT				
TOTAL FUNDS				
INSERT IN PLACE THEREOF			3,027,763	3,041,198
TOTAL FUNDS				
			3,030,235	3,043,670
TOTAL EXPENSES FOR RESIDENTIAL TREATMENT PROGRAM				
TOTAL ESTIMATED SOURCE OF FUNDS FOR RESIDENTIAL TREATMENT PROGRAM				
GENERAL FUND			3,030,235	3,043,670
TOTAL FUNDS				
			3,030,235	3,043,670
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	465010	MEDICAL AND FORENSIC SERVICES		
ORGANIZATION:	8231	MENTAL HEALTH		
STRIKE OUT				
020 Current Expenses			1,076	1,076
INSERT IN PLACE THEREOF				
020 Current Expenses			1,133	1,133
STRIKE OUT				
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			5,869,097	6,027,254
TOTAL EXPENSES				
			5,869,154	6,027,311
STRIKE OUT				
General Fund			5,869,097	6,027,254
INSERT IN PLACE THEREOF				
General Fund			5,869,154	6,027,311

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	465010	MEDICAL AND FORENSIC SERVICES	(CONT.)		
ORGANIZATION:	8231	MENTAL HEALTH	(CONT.)		
STRIKE OUT					
	TOTAL FUNDS		5,869,097		6,027,254
INSERT IN PLACE THEREOF					
	TOTAL FUNDS		5,869,154		6,027,311
TOTAL EXPENSES FOR MENTAL HEALTH					
TOTAL ESTIMATED SOURCE OF FUNDS FOR MENTAL HEALTH					
	GENERAL FUND		5,869,154		6,027,311
	TOTAL FUNDS		5,869,154		6,027,311
ADMIN OF JUSTICE AND PUBLIC PRTN					
CATEGORY:	02	DEPARTMENT OF CORRECTIONS			
DEPARTMENT:	46	CORRECTIONS- DEPT OF			
AGENCY:	046	MEDICAL AND FORENSIC SERVICES			
ACTIVITY:	465010	MEDICAL-DENTAL			
ORGANIZATION:	8234				
STRIKE OUT					
	020 Current Expenses		197,899		197,899
INSERT IN PLACE THEREOF					
	020 Current Expenses		208,315		208,315
STRIKE OUT					
	TOTAL EXPENSES		11,110,339		11,293,745
INSERT IN PLACE THEREOF					
	TOTAL EXPENSES		11,120,755		11,304,161
STRIKE OUT					
	General Fund		11,110,339		11,293,745
INSERT IN PLACE THEREOF					
	General Fund		11,120,755		11,304,161
STRIKE OUT					
	TOTAL FUNDS		11,110,339		11,293,745
INSERT IN PLACE THEREOF					
	TOTAL FUNDS		11,120,755		11,304,161

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	466010	MEDICAL AND FORENSIC SERVICES		
ORGANIZATION:	8234	MEDICAL-DENTAL		
TOTAL EXPENSES FOR MEDICAL-DENTAL			11,120,755	11,304,161
TOTAL ESTIMATED SOURCE OF FUNDS FOR MEDICAL-DENTAL				
GENERAL FUND			11,120,755	11,304,161
TOTAL FUNDS			11,120,755	11,304,161
TOTAL EXPENSES FOR MEDICAL AND FORENSIC SERVICES			26,710,734	27,161,811
TOTAL ESTIMATED SOURCE OF FUNDS FOR MEDICAL AND FORENSIC SERVICES				
GENERAL FUND			26,710,734	27,161,811
TOTAL FUNDS			26,710,734	27,161,811
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	466010	STATE PRISON FOR WOMEN		
ORGANIZATION:	7111	NHSP/W - PRISON FOR WOMEN		
STRIKE OUT			1,489,714	1,456,151
010 Personal Services-Perm. Classi				
INSERT IN PLACE THEREOF			1,422,821	1,388,760
010 Personal Services-Perm. Classi				
STRIKE OUT			65,205	65,205
020 Current Expenses				
INSERT IN PLACE THEREOF			68,637	68,637
020 Current Expenses				
STRIKE OUT			917,115	956,536
060 Benefits				
INSERT IN PLACE THEREOF			886,863	924,471
060 Benefits				
STRIKE OUT			3,655,967	3,675,124
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			3,562,254	3,579,100
TOTAL EXPENSES				

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	466010	STATE PRISON FOR WOMEN	(CONT.)		
ORGANIZATION:	7111	NHSPW - PRISON FOR WOMEN	(CONT.)		
STRIKE OUT					
	General Fund			3,655,967	3,675,124
INSERT IN PLACE THEREOF					
	General Fund			3,562,254	3,579,100
STRIKE OUT					
INSERT IN PLACE THEREOF					
	TOTAL FUNDS			3,655,967	3,675,124
	TOTAL FUNDS			3,562,254	3,579,100
TOTAL EXPENSES FOR NHSPW - PRISON FOR WOMEN					
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHSPW - PRISON FOR WOMEN				3,562,254	3,579,100
GENERAL FUND				3,562,254	3,579,100
TOTAL FUNDS				3,562,254	3,579,100
TOTAL EXPENSES FOR STATE PRISON FOR WOMEN					
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE PRISON FOR WOMEN				3,562,254	3,579,100
GENERAL FUND				3,562,254	3,579,100
TOTAL FUNDS				3,562,254	3,579,100
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	466010	BERLIN PRISON (NCF)			
ORGANIZATION:	8250	BERLIN PRISON (NCF)			
STRIKE OUT					
	020 Current Expenses			460,915	460,915
INSERT IN PLACE THEREOF					
	020 Current Expenses			485,174	485,174

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	468010	BERLIN PRISON (NCF)	(CONT.)		
ORGANIZATION:	8250	BERLIN PRISON (NCF)	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES			15,364,144		15,467,516
INSERT IN PLACE THEREOF					
TOTAL EXPENSES			15,388,403		15,491,775
STRIKE OUT					
INSERT IN PLACE THEREOF		General Fund	15,364,144		15,467,516
General Fund					
STRIKE OUT			15,388,403		15,491,775
TOTAL FUNDS					
INSERT IN PLACE THEREOF			15,364,144		15,467,516
TOTAL FUNDS			15,388,403		15,491,775
TOTAL EXPENSES FOR BERLIN PRISON (NCF)			15,388,403		15,491,775
TOTAL ESTIMATED SOURCE OF FUNDS FOR BERLIN PRISON (NCF)					
GENERAL FUND			15,388,403		15,491,775
TOTAL FUNDS			15,388,403		15,491,775
TOTAL EXPENSES FOR BERLIN PRISON (NCF)			15,388,403		15,491,775
TOTAL ESTIMATED SOURCE OF FUNDS FOR BERLIN PRISON (NCF)					
GENERAL FUND			15,388,403		15,491,775
TOTAL FUNDS			15,388,403		15,491,775
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	469010	INSTITUTIONAL PROGRAMS			
ORGANIZATION:	8232	PROGRAMS			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS	(CONT.)		
AGENCY:	046	CORRECTIONS- DEPT OF	(CONT.)		
ACTIVITY:	469010	INSTITUTIONAL PROGRAMS	(CONT.)		
ORGANIZATION:	8232	PROGRAMS	(CONT.)		
STRIKE OUT					
010	Personal Services-Perm. Classi			3,878,788	3,799,988
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			3,945,681	3,867,379
STRIKE OUT				22,605	22,605
020	Current Expenses				
INSERT IN PLACE THEREOF				23,795	23,795
020	Current Expenses			2,140,209	2,233,856
STRIKE OUT					
060	Benefits				
INSERT IN PLACE THEREOF				2,170,461	2,265,921
060	Benefits				
STRIKE OUT				6,076,704	6,087,884
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				6,175,039	6,188,530
TOTAL EXPENSES				6,076,704	6,087,884
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF				6,175,039	6,188,530
General Fund					
STRIKE OUT					
TOTAL FUNDS				6,076,704	6,087,884
INSERT IN PLACE THEREOF				6,175,039	6,188,530
TOTAL FUNDS					
TOTAL EXPENSES FOR PROGRAMS				6,175,039	6,188,530
TOTAL ESTIMATED SOURCE OF FUNDS FOR PROGRAMS					
GENERAL FUND				6,175,039	6,188,530
TOTAL FUNDS				6,175,039	6,188,530

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	469010	INSTITUTIONAL PROGRAMS		
TOTAL EXPENSES FOR INSTITUTIONAL PROGRAMS			6,525,039	6,538,530
TOTAL ESTIMATED SOURCE OF FUNDS FOR INSTITUTIONAL PROGRAMS				
GENERAL FUND			6,175,039	6,188,530
OTHER FUNDS			350,000	350,000
TOTAL FUNDS			6,525,039	6,538,530
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	461610	SECURITY & TRAINING		
ORGANIZATION:	7141	CLASSIFICATIONS		
STRIKE OUT			660	660
020 Current Expenses				
INSERT IN PLACE THEREOF				
020 Current Expenses			695	695
STRIKE OUT				
TOTAL EXPENSES			623,504	623,766
INSERT IN PLACE THEREOF			623,539	623,801
TOTAL EXPENSES			623,504	623,766
STRIKE OUT				
General Fund				
INSERT IN PLACE THEREOF			623,539	623,801
General Fund				
STRIKE OUT				
TOTAL FUNDS			623,504	623,766
INSERT IN PLACE THEREOF				
TOTAL FUNDS			623,539	623,801

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		(CONT.)	
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		(CONT.)	
AGENCY:	046	CORRECTIONS- DEPT OF		(CONT.)	
ACTIVITY:	461510	SECURITY & TRAINING		(CONT.)	
ORGANIZATION:	7141	CLASSIFICATIONS		(CONT.)	
TOTAL EXPENSES FOR CLASSIFICATIONS		623,539		623,801	
TOTAL ESTIMATED SOURCE OF FUNDS FOR CLASSIFICATIONS		623,539		623,801	
GENERAL FUND		623,539		623,801	
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	461510	SECURITY & TRAINING			
ORGANIZATION:	8233	OFFENDER RECORDS			
STRIKE OUT		5,671		5,671	
020 Current Expenses					
INSERT IN PLACE THEREOF					
020 Current Expenses		5,970		5,970	
STRIKE OUT					
TOTAL EXPENSES		304,040		305,200	
INSERT IN PLACE THEREOF					
TOTAL EXPENSES		304,339		305,499	
General Fund					
INSERT IN PLACE THEREOF					
General Fund		304,040		305,200	
STRIKE OUT					
INSERT IN PLACE THEREOF					
General Fund		304,339		305,499	
TOTAL FUNDS					
INSERT IN PLACE THEREOF					
TOTAL FUNDS		304,040		305,200	
		304,339		305,499	

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		(CONT.)	
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		(CONT.)	
AGENCY:	046	CORRECTIONS- DEPT OF		(CONT.)	
ACTIVITY:	461510	SECURITY & TRAINING		(CONT.)	
ORGANIZATION:	8233	OFFENDER RECORDS		(CONT.)	
TOTAL EXPENSES FOR OFFENDER RECORDS		304,339		305,499	
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFENDER RECORDS		304,339		305,499	
GENERAL FUND		304,339		305,499	
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS			
AGENCY:	046	CORRECTIONS- DEPT OF			
ACTIVITY:	461510	SECURITY & TRAINING			
ORGANIZATION:	8360	SECURITY & TRAINING			
STRIKE OUT		3,586		3,586	
020 Current Expenses					
INSERT IN PLACE THEREOF					
020 Current Expenses		3,775		3,775	
STRIKE OUT		867,439		871,328	
TOTAL EXPENSES					
INSERT IN PLACE THEREOF		867,628		871,517	
TOTAL EXPENSES		867,439		871,328	
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF		867,628		871,517	
General Fund					
STRIKE OUT		867,439		871,328	
TOTAL FUNDS					
INSERT IN PLACE THEREOF		867,628		871,517	
TOTAL FUNDS		867,628		871,517	

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	46	DEPARTMENT OF CORRECTIONS		
AGENCY:	046	CORRECTIONS- DEPT OF		
ACTIVITY:	461510	SECURITY & TRAINING		
ORGANIZATION:	8360	SECURITY & TRAINING		
TOTAL EXPENSES FOR SECURITY & TRAINING			867,628	871,517
TOTAL ESTIMATED SOURCE OF FUNDS FOR SECURITY & TRAINING			867,628	871,517
GENERAL FUND			867,628	871,517
TOTAL FUNDS				
TOTAL EXPENSES FOR SECURITY & TRAINING			1,795,506	1,800,817
TOTAL ESTIMATED SOURCE OF FUNDS FOR SECURITY & TRAINING			1,795,506	1,800,817
GENERAL FUND			1,795,506	1,800,817
TOTAL FUNDS				
TOTAL EXPENSES FOR CORRECTIONS- DEPT OF			112,462,987	113,317,461
TOTAL ESTIMATED SOURCE OF FUNDS FOR CORRECTIONS- DEPT OF				
FEDERAL FUNDS			401,460	276,546
GENERAL FUND			108,209,988	109,165,594
OTHER FUNDS			3,851,539	3,875,321
TOTAL FUNDS			112,462,987	113,317,461
TOTAL EXPENSES FOR DEPARTMENT OF CORRECTIONS			112,462,987	113,317,461
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF CORRECTIONS				
FEDERAL FUNDS			401,460	276,546
GENERAL FUND			108,209,988	109,165,594
OTHER FUNDS			3,851,539	3,875,321
TOTAL FUNDS			112,462,987	113,317,461

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT: 07 JUDICIAL COUNCIL			
AGENCY: 007 JUDICIAL COUNCIL			
ACTIVITY: 070010 JUDICIAL COUNCIL			
ORGANIZATION: 1092 GUARDIAN AD LITEM			
STRIKE OUT		228,000	228,000
009 Agency Income			
STRIKE OUT		272,000	272,000
General Fund			
INSERT IN PLACE THEREOF		500,000	500,000
General Fund			
STRIKE OUT		500,000	500,000
TOTAL FUNDS		500,000	500,000
INSERT IN PLACE THEREOF		500,000	500,000
TOTAL FUNDS		500,000	500,000
TOTAL EXPENSES FOR GUARDIAN AD LITEM		500,000	500,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR GUARDIAN AD LITEM		500,000	500,000
GENERAL FUND		500,000	500,000
TOTAL FUNDS			
CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT: 07 JUDICIAL COUNCIL			
AGENCY: 007 JUDICIAL COUNCIL			
ACTIVITY: 070010 JUDICIAL COUNCIL			
ORGANIZATION: 1098 CIVIL LEGAL SERVICES FUND			
INSERT		700,000	700,000
108 Provider Payments-Legal Service			
INSERT		700,000	700,000
TOTAL EXPENSES		700,000	700,000
General Fund			
INSERT		700,000	700,000
TOTAL FUNDS		700,000	700,000

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	07	JUDICIAL COUNCIL		
AGENCY:	007	JUDICIAL COUNCIL		
ACTIVITY:	070010	JUDICIAL COUNCIL		
ORGANIZATION:	1088	CIVIL LEGAL SERVICES FUND		
TOTAL EXPENSES FOR CIVIL LEGAL SERVICES FUND			700,000	700,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR CIVIL LEGAL SERVICES FUND			700,000	700,000
GENERAL FUND			700,000	700,000
TOTAL FUNDS				
TOTAL EXPENSES FOR JUDICIAL COUNCIL			24,155,953	24,156,129
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUDICIAL COUNCIL			24,155,953	24,156,129
GENERAL FUND			24,155,953	24,156,129
TOTAL FUNDS				
TOTAL EXPENSES FOR JUDICIAL COUNCIL			24,155,953	24,156,129
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUDICIAL COUNCIL			24,155,953	24,156,129
GENERAL FUND			24,155,953	24,156,129
TOTAL FUNDS				
TOTAL EXPENSES FOR JUDICIAL COUNCIL			24,164,430	24,164,615
TOTAL ESTIMATED SOURCE OF FUNDS FOR JUDICIAL COUNCIL			24,164,430	24,164,615
GENERAL FUND			24,164,430	24,164,615
TOTAL FUNDS				

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
TOTAL EXPENSES FOR ADMIN OF JUSTICE AND PUBLIC PRTN					
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMIN OF JUSTICE AND PUBLIC PRTN					
FEDERAL FUNDS				598,453,860	596,133,259
GENERAL FUND				101,742,156	94,667,589
LIQUOR FUND				232,204,223	240,685,130
HIGHWAY FUNDS				46,498,961	47,812,163
TURNPIKE FUNDS				77,338,275	77,555,531
SWEEPSTAKES FUNDS				5,882,448	5,890,579
OTHER FUNDS				1,553,276	1,572,471
TOTAL FUNDS				133,234,521	127,949,796
				598,453,860	596,133,259
CATEGORY: 03 RESOURCE PROTECTION & DEVELOPMENT					
DEPARTMENT: 76 FISH AND GAME DEPARTMENT					
AGENCY: 075 FISH AND GAME COMMISSION					
ACTIVITY: 751610 FISH AND GAME COMMISSION					
ORGANIZATION: 5068 NON GAME SUPPORT					
INSERT					
217 Inter-Agency Payments					
INSERT				50,000	50,000
TOTAL EXPENSES				50,000	50,000
INSERT				50,000	50,000
General Fund				50,000	50,000
INSERT				50,000	50,000
TOTAL FUNDS				50,000	50,000
TOTAL EXPENSES FOR NON GAME SUPPORT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR NON GAME SUPPORT					
GENERAL FUND				50,000	50,000
TOTAL FUNDS				50,000	50,000

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	75	FISH AND GAME DEPARTMENT		
AGENCY:	075	FISH AND GAME COMMISSION		
ACTIVITY:	751510	FISH AND GAME COMMISSION		
		(CONT.)		
		(CONT.)		
		(CONT.)		
TOTAL EXPENSES FOR FISH AND GAME COMMISSION			50,000	50,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR FISH AND GAME COMMISSION			50,000	50,000
GENERAL FUND			50,000	
TOTAL FUNDS				
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	75	FISH AND GAME DEPARTMENT		
AGENCY:	075	FISH AND GAME COMMISSION		
ACTIVITY:	750020	FISH AND GAME COMMISSION		
ORGANIZATION:	2162	RESOURCE DATA - GIS MANAGEMENT		
STRIKE OUT				
027 Transfers To DOIT			770,080	745,770
INSERT IN PLACE THEREOF				
027 Transfers To DOIT			698,096	676,917
STRIKE OUT				
TOTAL EXPENSES			770,080	745,770
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			698,096	676,917
STRIKE OUT			770,080	745,770
Fish And Game Funds				
INSERT IN PLACE THEREOF			698,096	676,917
Fish And Game Funds				
STRIKE OUT			770,080	745,770
TOTAL FUNDS				
INSERT IN PLACE THEREOF			698,096	676,917
TOTAL FUNDS				

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)	
DEPARTMENT:	75	FISH AND GAME DEPARTMENT	(CONT.)	
AGENCY:	075	FISH AND GAME COMMISSION	(CONT.)	
ACTIVITY:	750020	FISH AND GAME COMMISSION	(CONT.)	
ORGANIZATION:	2182	RESOURCE DATA - GIS MANAGEMENT	(CONT.)	
TOTAL EXPENSES FOR RESOURCE DATA - GIS MANAGEMENT		698,096		676,917
TOTAL ESTIMATED SOURCE OF FUNDS FOR RESOURCE DATA - GIS MANAGEMENT				
FISH AND GAME FUNDS		698,096		676,917
TOTAL FUNDS		698,096		676,917
TOTAL EXPENSES FOR FISH AND GAME COMMISSION		1,680,000		1,653,975
TOTAL ESTIMATED SOURCE OF FUNDS FOR FISH AND GAME COMMISSION				
FEDERAL FUNDS		156,651		156,847
FISH AND GAME FUNDS		1,376,464		1,353,742
OTHER FUNDS		146,885		143,386
TOTAL FUNDS		1,680,000		1,653,975
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	75	FISH AND GAME DEPARTMENT		
AGENCY:	075	FISH AND GAME COMMISSION		
ACTIVITY:	750520	ADMINISTRATIVE SUPPORT		
ORGANIZATION:	2119	FLEET MANAGEMENT		
STRIKE OUT				
020 Current Expenses		335,000		335,000
INSERT IN PLACE THEREOF				
020 Current Expenses		335,000		335,000
STRIKE OUT				
020				

G. THE FUNDS IN THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE AND SHALL NOT LAPSE UNTIL JUNE 30, 2013.

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 75	FISH AND GAME DEPARTMENT		
AGENCY: 075	FISH AND GAME COMMISSION		
ACTIVITY: 751020	PUBLIC INFO & CONSERVATION EDU		
ORGANIZATION: 2121	HUNTER EDUCATION PROGRAM		
STRIKE OUT		245,000	0
102	Contracts for program services		
INSERT IN PLACE THEREOF			
102	Contracts for program services	245,000	0
STRIKE OUT			
102	F. THIS APPROPRIATION SHALL NOT LAPSE UNTIL JUNE 30, 2013.		
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 75	FISH AND GAME DEPARTMENT		
AGENCY: 075	FISH AND GAME COMMISSION		
ACTIVITY: 751520	WILDLIFE PROGRAM		
ORGANIZATION: 2125	NON-GAME SPECIES MANAGEMENT		
STRIKE OUT		210,000	210,000
304	Research And Management		
INSERT IN PLACE THEREOF			
304	Research And Management	210,000	210,000
STRIKE OUT			
304	F. THIS APPROPRIATION SHALL NOT LAPSE UNTIL JUNE 30, 2013.		
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 75	FISH AND GAME DEPARTMENT		
AGENCY: 075	FISH AND GAME COMMISSION		
ACTIVITY: 751520	WILDLIFE PROGRAM		
ORGANIZATION: 2155	COOPERATIVE HABITAT PROGRAMS		
STRIKE OUT		50,000	50,000
304	Research And Management		
INSERT IN PLACE THEREOF			
304	Research And Management	50,000	50,000
STRIKE OUT			
304	F. THIS APPROPRIATION SHALL NOT LAPSE UNTIL JUNE 30, 2013.		

State of New Hampshire

AMENDMENTS TO
HB 0001

		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 75	FISH AND GAME DEPARTMENT		
AGENCY: 075	FISH AND GAME COMMISSION		
ACTIVITY: 751520	WILDLIFE PROGRAM		
ORGANIZATION: 5318	COOPERATIVE COTTONTAIL MANAGEMENT GRAN		
STRIKE OUT			
072 Grants-Federal	.	48,900	0
INSERT IN PLACE THEREOF			
072 Grants-Federal		48,900	0
STRIKE OUT			
072 F. THIS APPROPRIATION SHALL NOT LAPSE UNTIL JUNE 30, 2013.			
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 75	FISH AND GAME DEPARTMENT		
AGENCY: 075	FISH AND GAME COMMISSION		
ACTIVITY: 751520	WILDLIFE PROGRAM		
ORGANIZATION: 5319	COOPERATIVE CONNECTIVITY INITIATIVE		
STRIKE OUT			
072 Grants-Federal	.	54,226	0
INSERT IN PLACE THEREOF			
072 Grants-Federal		54,226	0
STRIKE OUT			
072 F. THIS APPROPRIATION SHALL NOT LAPSE UNTIL JUNE 30, 2013.			
TOTAL EXPENSES FOR FISH AND GAME COMMISSION		31,306,865	30,979,107
TOTAL ESTIMATED SOURCE OF FUNDS FOR FISH AND GAME COMMISSION			
FEDERAL FUNDS		9,281,281	8,802,272
GENERAL FUND		50,000	50,000
FISH AND GAME FUNDS		13,795,778	14,120,311
OTHER FUNDS		8,179,806	8,006,524
TOTAL FUNDS		31,306,865	30,979,107

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	75	FISH AND GAME DEPARTMENT	(CONT.)		
TOTAL EXPENSES FOR FISH AND GAME DEPARTMENT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR FISH AND GAME DEPARTMENT					
FEDERAL FUNDS					
FISH AND GAME FUNDS					
OTHER FUNDS					
TOTAL FUNDS					
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT			
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF			
ACTIVITY:	350510	DIVISION OF ECONOMIC DEVELOPMENT			
ORGANIZATION:	3600	ECONOMIC DEVELOPMENT ADMIN			
INSERT					
THE POSITION OF DIRECTOR OF ECONOMIC DEVELOPMENT ESTABLISHED UNDER RSA 12-A:3 SHALL BE UNFUNDED FOR THE BIENNIUM					
ENDING JUNE 30, 2013. IN THE EVENT FUNDING BECOMES AVAILABLE DURING THE BIENNIUM AS THE RESULT OF MANAGED COST SAVINGS,					
THE COMMISSIONER OF THE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT MAY TRANSFER APPROPRIATIONS AND					
ASSOCIATED FUNDING TO ACCOUNTING UNIT #03-35-35-350510-3600 TO ESTABLISH A CLASS 011, WITH ASSOCIATED FUNDING FOR CLASS 060,					
TO FUND POSITION 9U096.					
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT			
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF			
ACTIVITY:	350510	DIVISION OF ECONOMIC DEVELOPMENT			
ORGANIZATION:	3816	INNOVATIVE RESEARCH CENTER			
INSERT	102	Contracts for program services	200,000		200,000
INSERT		TOTAL EXPENSES	200,000		200,000
INSERT		General Fund	200,000		200,000
INSERT		TOTAL FUNDS	200,000		200,000

State of New Hampshire

AMENDMENTS TO
HB 0001

CATEGORY: 03 RESOURCE PROTECTION & DEVELOPMENT (CONT.)
DEPARTMENT: 35 RESOURCES & ECONOMIC DEVELOPMENT (CONT.)
AGENCY: 035 RESOURCES - ECON DEVEL DEPT OF (CONT.)
ACTIVITY: 350510 DIVISION OF ECONOMIC DEVELOPMENT (CONT.)
ORGANIZATION: 3615 INNOVATIVE RESEARCH CENTER (CONT.)

FISCAL YEAR 2012 FISCAL YEAR 2013

200,000 200,000
200,000 200,000
200,000 200,000

TOTAL EXPENSES FOR INNOVATIVE RESEARCH CENTER
TOTAL ESTIMATED SOURCE OF FUNDS FOR INNOVATIVE RESEARCH CENTER
GENERAL FUND
TOTAL FUNDS

CATEGORY: 03 RESOURCE PROTECTION & DEVELOPMENT
DEPARTMENT: 35 RESOURCES & ECONOMIC DEVELOPMENT
AGENCY: 035 RESOURCES - ECON DEVEL DEPT OF
ACTIVITY: 350510 DIVISION OF ECONOMIC DEVELOPMENT
ORGANIZATION: 1734 ENERGY EFFICIENCY PROGRAM RGGI

INSERT 020 Current Expenses 11,500
INSERT 049 Transfer to Other State Agencies 50,000
INSERT 069 Promotional - Marketing Expenses 20,000
INSERT 070 In-State Travel Reimbursement 1,500
INSERT 080 Out-Of State Travel 2,000
INSERT 102 Contracts for program services 135,000
INSERT TOTAL EXPENSES 220,000
INSERT 009 Agency Income 220,000
INSERT TOTAL FUNDS 220,000

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF		
ACTIVITY:	350510	DIVISION OF ECONOMIC DEVELOPMENT		
ORGANIZATION:	1734	ENERGY EFFICIENCY PROGRAM RGGI		
TOTAL EXPENSES FOR ENERGY EFFICIENCY PROGRAM RGGI			440,000	220,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR ENERGY EFFICIENCY PROGRAM RGGI				
OTHER FUNDS			440,000	220,000
TOTAL FUNDS			440,000	220,000
TOTAL EXPENSES FOR DIVISION OF ECONOMIC DEVELOPMENT			22,158,682	21,888,248
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF ECONOMIC DEVELOPMENT				
FEDERAL FUNDS			16,527,919	16,511,699
GENERAL FUND			2,103,487	2,058,283
OTHER FUNDS			3,527,276	3,318,266
TOTAL FUNDS			22,158,682	21,888,248
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF		
ACTIVITY:	351010	FORESTS AND LANDS		
ORGANIZATION:	8682	MT. TOP TOWER FUND		
INSERT	010	Personal Services-Perm. Classi	39,305	39,390
INSERT	020	Current Expenses	6,000	7,860
INSERT	048	Contractual Maint.-Build-Grnds	33,500	28,500
INSERT	049	Transfer to Other State Agencies	83,500	83,500
INSERT	050	Personal Service-Temp/Appointe	25,647	25,689
INSERT	060	Benefits	25,474	27,097

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT	(CONT.)		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF	(CONT.)		
ACTIVITY:	351510	PARKS AND RECREATION	(CONT.)		
ORGANIZATION:	3720	SERVICE PARKS	(CONT.)		
STRIKE OUT				100,000	120,000
030 Equipment New/Replacement					
INSERT IN PLACE THEREOF				180,000	180,000
030 Equipment New/Replacement				1,800,000	1,900,000
STRIKE OUT					
050 Personal Service-Temp/Appointe				2,000,000	2,000,000
INSERT IN PLACE THEREOF				821,233	868,565
050 Personal Service-Temp/Appointe					
STRIKE OUT					
060 Benefits				836,533	876,215
INSERT IN PLACE THEREOF					
060 Benefits				5,590,237	5,823,698
STRIKE OUT					
TOTAL EXPENSES				5,900,537	6,006,348
INSERT IN PLACE THEREOF				5,590,237	5,823,698
TOTAL EXPENSES					
STRIKE OUT					
009 Agency Income				5,900,537	6,006,348
INSERT IN PLACE THEREOF				5,590,237	5,823,698
009 Agency Income					
STRIKE OUT					
TOTAL FUNDS				5,900,537	6,006,348
INSERT IN PLACE THEREOF					
TOTAL FUNDS				5,900,537	6,006,348
TOTAL EXPENSES FOR SERVICE PARKS					
TOTAL ESTIMATED SOURCE OF FUNDS FOR SERVICE PARKS				5,900,537	6,006,348
OTHER FUNDS				5,900,537	6,006,348
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03		
DEPARTMENT:	35		
AGENCY:	035		
ACTIVITY:	351610		
ORGANIZATION:	3703		
	RESOURCE PROTECTION & DEVELOPMENT RESOURCES & ECONOMIC DEVELOPMENT RESOURCES - ECON DEVEL DEPT OF PARKS AND RECREATION CANNON MOUNTAIN		
STRIKE OUT			
010	Personal Services-Perm. Classi	723,824	713,653
INSERT IN PLACE THEREOF			
010	Personal Services-Perm. Classi	723,824	0
STRIKE OUT			
011	Personal Services-Unclassified	76,908	74,060
INSERT IN PLACE THEREOF			
011	Personal Services-Unclassified	76,908	0
STRIKE OUT			
018	Overtime	35,000	36,000
INSERT IN PLACE THEREOF			
018	Overtime	35,000	0
STRIKE OUT			
019	Holiday Pay	27,000	29,000
INSERT IN PLACE THEREOF			
019	Holiday Pay	27,000	0
STRIKE OUT			
020	Current Expenses	502,500	523,500
INSERT IN PLACE THEREOF			
020	Current Expenses	502,500	0
STRIKE OUT			
022	Rentis-Leases Other Than State	378,000	380,000
INSERT IN PLACE THEREOF			
022	Rentis-Leases Other Than State	378,000	0
STRIKE OUT			
023	Heat- Electricity - Water	1,000,000	1,000,000
INSERT IN PLACE THEREOF			
023	Heat- Electricity - Water	1,000,000	0
STRIKE OUT			
024	Maint. Other Than Build.- Grnds	273,000	273,000
INSERT IN PLACE THEREOF			
024	Maint. Other Than Build.- Grnds	273,000	0

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF		
ACTIVITY:	351510	PARKS AND RECREATION		
ORGANIZATION:	3703	CANNON MOUNTAIN		
STRIKE OUT	026	Organizational Dues	35,000	35,000
INSERT IN PLACE THEREOF	026	Organizational Dues	35,000	0
STRIKE OUT	027	Transfers To DOIT	31,402	31,036
INSERT IN PLACE THEREOF	027	Transfers To DOIT	31,402	0
STRIKE OUT	030	Equipment New/Replacement	76,492	78,003
INSERT IN PLACE THEREOF	030	Equipment New/Replacement	76,492	0
STRIKE OUT	039	Telecommunications	16,000	17,000
INSERT IN PLACE THEREOF	039	Telecommunications	16,000	0
STRIKE OUT	042	Additional Fringe Benefits	45,000	46,000
INSERT IN PLACE THEREOF	042	Additional Fringe Benefits	45,000	0
STRIKE OUT	044	Debt Service Other Agencies	84,370	82,303
INSERT IN PLACE THEREOF	044	Debt Service Other Agencies	84,370	0
STRIKE OUT	047	Own Forces Maint.-Build.-Grnds	100,000	100,000
INSERT IN PLACE THEREOF	047	Own Forces Maint.-Build.-Grnds	100,000	0
STRIKE OUT	050	Personal Service-Temp/Appointe	831,749	836,628
INSERT IN PLACE THEREOF	050	Personal Service-Temp/Appointe	831,749	0

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF		
ACTIVITY:	351510	PARKS AND RECREATION		
ORGANIZATION:	3703	CANNON MOUNTAIN		
STRIKE OUT				
059	Temp Full Time		245,000	246,000
INSERT IN PLACE THEREOF				
059	Temp Full Time		245,000	0
STRIKE OUT				
060	Benefits		698,807	745,415
INSERT IN PLACE THEREOF				
060	Benefits		698,807	0
STRIKE OUT				
061	Unemployment Compensation		38,000	39,000
INSERT IN PLACE THEREOF				
061	Unemployment Compensation		38,000	0
STRIKE OUT				
062	Workers Compensation		85,000	85,000
INSERT IN PLACE THEREOF				
062	Workers Compensation		85,000	0
STRIKE OUT				
069	Promotional - Marketing Exps		300,000	320,000
INSERT IN PLACE THEREOF				
069	Promotional - Marketing Exps		300,000	0
STRIKE OUT				
070	In-State Travel Reimbursement		1,600	1,600
INSERT IN PLACE THEREOF				
070	In-State Travel Reimbursement		1,600	0
STRIKE OUT				
080	Out-Of State Travel		9,100	9,400
INSERT IN PLACE THEREOF				
080	Out-Of State Travel		9,100	0
STRIKE OUT				
TOTAL EXPENSES			5,613,752	5,701,598
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			5,613,752	0

State of New Hampshire

AMENDMENTS TO
HB 0001

FISCAL YEAR 2012 FISCAL YEAR 2013

CATEGORY: 03 (CONT.)
 DEPARTMENT: 35 (CONT.)
 AGENCY: 035 (CONT.)
 ACTIVITY: 351610 (CONT.)
 ORGANIZATION: 3703 (CONT.)

RESOURCE PROTECTION & DEVELOPMENT
 RESOURCES & ECONOMIC DEVELOPMENT
 RESOURCES - ECON DEVEL DEPT OF
 PARKS AND RECREATION
 CANNON MOUNTAIN

5,613,752 5,701,598

STRIKE OUT

009 Agency Income

INSERT IN PLACE THEREOF

009 Agency Income

STRIKE OUT

TOTAL FUNDS

INSERT IN PLACE THEREOF

TOTAL FUNDS

0

TOTAL EXPENSES FOR CANNON MOUNTAIN

TOTAL ESTIMATED SOURCE OF FUNDS FOR CANNON MOUNTAIN

OTHER FUNDS

TOTAL FUNDS

0

TOTAL EXPENSES FOR PARKS AND RECREATION

TOTAL ESTIMATED SOURCE OF FUNDS FOR PARKS AND RECREATION

FEDERAL FUNDS

OTHER FUNDS

TOTAL FUNDS

14,013,486

CATEGORY: 03 (CONT.)
 DEPARTMENT: 35 (CONT.)
 AGENCY: 035 (CONT.)
 ACTIVITY: 352010 (CONT.)
 ORGANIZATION: 1869 (CONT.)

RESOURCE PROTECTION & DEVELOPMENT
 RESOURCES & ECONOMIC DEVELOPMENT
 RESOURCES - ECON DEVEL DEPT OF
 TRAVEL AND TOURISM
 MT. TOP TOWER FUND

39,305 39,390

STRIKE OUT

010 Personal Services-Perm. Classi

STRIKE OUT

020 Current Expenses

STRIKE OUT

048 Contractual Maint.-Build-Grnds

Prepared By: Office of Legislative Budget Assistant

Run Time: 5/26/2011 6:20:10PM

State of New Hampshire

AMENDMENTS TO
HB 0001

				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT	(CONT.)		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF	(CONT.)		
ACTIVITY:	352010	TRAVEL AND TOURISM	(CONT.)		
ORGANIZATION:	1889	MT. TOP TOWER FUND	(CONT.)		
STRIKE OUT					
049	Transfer to Other State Agencies			83,500	83,500
STRIKE OUT					
050	Personal Service-Temp/Appointe			25,647	25,689
STRIKE OUT					
060	Benefits			25,474	27,097
STRIKE OUT					
103	Contracts for Op Services			64,400	62,900
STRIKE OUT					
TOTAL EXPENSES					
STRIKE OUT				277,826	274,936
008	Agency Income			277,826	274,936
STRIKE OUT					
TOTAL FUNDS				277,826	274,936
TOTAL EXPENSES FOR MT. TOP TOWER FUND				0	0
TOTAL ESTIMATED SOURCE OF FUNDS FOR MT. TOP TOWER FUND				0	0
TOTAL FUNDS					
TOTAL EXPENSES FOR TRAVEL AND TOURISM				6,767,419	6,885,507
TOTAL ESTIMATED SOURCE OF FUNDS FOR TRAVEL AND TOURISM				6,767,419	6,885,507
GENERAL FUND				6,767,419	6,885,507
TOTAL FUNDS					
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT			
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF			
ACTIVITY:	352015	WELCOME CTRS. HIGHWAY			
ORGANIZATION:	5919	HWY WELCOME CENTERS			

State of New Hampshire

AMENDMENTS TO
HB 0001

FISCAL YEAR 2012 FISCAL YEAR 2013

CATEGORY: 03
DEPARTMENT: 35
AGENCY: 035
ACTIVITY: 352015
ORGANIZATION: 5919

RESOURCE PROTECTION & DEVELOPMENT
RESOURCES & ECONOMIC DEVELOPMENT
RESOURCES - ECON DEVEL DEPT OF
WELCOME CTRS. HIGHWAY
HWY WELCOME CENTERS

(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT 020 Current Expenses 68,170 100,000

INSERT IN PLACE THEREOF

020 Current Expenses 68,169 99,999

INSERT

027 Transfers To DOIT 1

STRIKE OUT TOTAL EXPENSES 1,348,995

INSERT IN PLACE THEREOF 1,348,995

TOTAL EXPENSES 1,348,995

TOTAL EXPENSES FOR HWY WELCOME CENTERS

TOTAL ESTIMATED SOURCE OF FUNDS FOR HWY WELCOME CENTERS

HIGHWAY FUNDS

TOTAL FUNDS

TOTAL EXPENSES FOR WELCOME CTRS. HIGHWAY

TOTAL ESTIMATED SOURCE OF FUNDS FOR WELCOME CTRS. HIGHWAY

HIGHWAY FUNDS

TOTAL FUNDS

CATEGORY: 03
DEPARTMENT: 35
AGENCY: 035
ACTIVITY: 352017
ORGANIZATION: 1872

RESOURCE PROTECTION & DEVELOPMENT
RESOURCES & ECONOMIC DEVELOPMENT
RESOURCES - ECON DEVEL DEPT OF
WELCOME CTRS. TURNPIKE
TPK WELCOME CTRS.

(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT 020 Current Expenses 131,215 131,215

INSERT IN PLACE THEREOF

020 Current Expenses 131,214 131,214

Prepared By: Office of Legislative Budget Assistant

Run Time: 5/26/2011 6:20:10PM

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	36	RESOURCES & ECONOMIC DEVELOPMENT		
AGENCY:	036	RESOURCES - ECON DEVEL DEPT OF		
ACTIVITY:	362017	WELCOMER CTRS. TURNPIKE		
ORGANIZATION:	1872	TPK WELCOME CTRS.		
INSERT				
027	Transfers To DoIT		1	1
STRIKE OUT				
TOTAL EXPENSES			1,269,327	1,241,759
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			1,269,327	1,241,759
TOTAL EXPENSES FOR TPK WELCOME CTRS.			1,269,327	1,241,759
TOTAL ESTIMATED SOURCE OF FUNDS FOR TPK WELCOME CTRS.				
TURNPIKE FUNDS			1,269,327	1,241,759
TOTAL FUNDS			1,269,327	1,241,759
TOTAL EXPENSES FOR WELCOME CTRS. TURNPIKE			1,269,327	1,241,759
TOTAL ESTIMATED SOURCE OF FUNDS FOR WELCOME CTRS. TURNPIKE				
TURNPIKE FUNDS			1,269,327	1,241,759
TOTAL FUNDS			1,269,327	1,241,759
TOTAL EXPENSES FOR RESOURCES - ECON DEVEL DEPT OF			61,097,394	54,977,065
FEDERAL FUNDS			20,015,749	19,718,187
GENERAL FUND			13,191,642	13,266,512
HIGHWAY FUNDS			1,250,882	1,348,995
TURNPIKE FUNDS			1,269,327	1,241,759
OTHER FUNDS			25,369,794	19,401,612
TOTAL FUNDS			61,097,394	54,977,065

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03		
DEPARTMENT:	35		
	RESOURCE PROTECTION & DEVELOPMENT RESOURCES & ECONOMIC DEVELOPMENT	(CONT.) (CONT.)	
TOTAL EXPENSES FOR RESOURCES & ECONOMIC DEVELOPMENT			
TOTAL ESTIMATED SOURCE OF FUNDS FOR RESOURCES & ECONOMIC DEVELOPMENT			
FEDERAL FUNDS		61,097,394	54,977,065
GENERAL FUND		20,015,749	19,718,187
HIGHWAY FUNDS		13,191,642	13,286,512
TURNPIKE FUNDS		1,250,882	1,348,995
OTHER FUNDS		1,269,327	1,241,759
TOTAL FUNDS		25,369,794	19,401,612
		61,097,394	54,977,065
CATEGORY:	03		
DEPARTMENT:	44		
AGENCY:	044		
ACTIVITY:	445010		
ORGANIZATION:	8678		
INSERT	068 Remuneration	30,000	30,000
INSERT	TOTAL EXPENSES	30,000	30,000
INSERT	General Fund	30,000	30,000
INSERT	TOTAL FUNDS	30,000	30,000
TOTAL EXPENSES FOR CONNECTICUT RIVER VALLEY COMMISSION			
TOTAL ESTIMATED SOURCE OF FUNDS FOR CONNECTICUT RIVER VALLEY COMMISSION			
GENERAL FUND		30,000	30,000
TOTAL FUNDS		30,000	30,000

State of New Hampshire

AMENDMENTS TO
HB 0001

		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03 RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44 DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044 DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	440010 DEPT. ENVIRONMENTAL SERVICES		
ORGANIZATION:	1002 ADMINISTRATION - SUPPORT		
STRIKE OUT			
010	Personal Services-Perm. Classi	1,380,300	1,199,368
INSERT IN PLACE THEREOF			
010	Personal Services-Perm. Classi	1,394,620	1,291,128
STRIKE OUT			
022	Rentis-Leases Other Than State	13,425	14,150
INSERT IN PLACE THEREOF			
022	Rentis-Leases Other Than State		
STRIKE OUT			
027	Transfers To DOIT	8,350	8,350
INSERT IN PLACE THEREOF			
027	Transfers To DOIT	240,260	235,548
STRIKE OUT			
028	Transfers To General Services	232,112	227,676
INSERT IN PLACE THEREOF			
028	Transfers To General Services	107,311	109,376
STRIKE OUT			
060	Benefits	103,958	105,958
INSERT IN PLACE THEREOF			
060	Benefits	879,571	686,874
STRIKE OUT			
060	Benefits	893,637	713,430
TOTAL EXPENSES			
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		2,752,963	2,407,438
STRIKE OUT			
General Fund			
INSERT IN PLACE THEREOF			
General Fund		2,784,773	2,508,662
STRIKE OUT			
General Fund		1,656,867	1,513,101
INSERT IN PLACE THEREOF			
General Fund		1,688,677	1,614,325
STRIKE OUT			
TOTAL FUNDS			
INSERT IN PLACE THEREOF			
TOTAL FUNDS		2,752,963	2,407,438
INSERT IN PLACE THEREOF			
TOTAL FUNDS		2,784,773	2,508,662

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	440010	DEPT. ENVIRONMENTAL SERVICES		
ORGANIZATION:	1002	ADMINISTRATION - SUPPORT		
		TOTAL EXPENSES FOR ADMINISTRATION - SUPPORT	2,784,773	2,508,662
		TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION - SUPPORT		0
		FEDERAL FUNDS	168,262	1,614,325
		GENERAL FUND	1,688,677	894,337
		OTHER FUNDS	927,834	2,508,662
		TOTAL FUNDS	2,784,773	
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	440010	DEPT. ENVIRONMENTAL SERVICES		
ORGANIZATION:	1014	HOMELAND SECURITY GRANTS		
STRIKE OUT			9,000	9,000
INSERT	023	Heat- Electricity - Water		
	024	Maint Other Than Build.- Grnds	9,000	9,000
STRIKE OUT				
		TOTAL EXPENSES	132,800	127,929
		INSERT IN PLACE THEREOF		
		TOTAL EXPENSES	132,800	127,929
		TOTAL EXPENSES FOR HOMELAND SECURITY GRANTS		
		TOTAL ESTIMATED SOURCE OF FUNDS FOR HOMELAND SECURITY GRANTS		
		OTHER FUNDS	132,800	127,929
		TOTAL FUNDS	132,800	127,929

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES			
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF			
ACTIVITY:	440010	DEPT. ENVIRONMENTAL SERVICES			
ORGANIZATION:	1551	GEOLOGIC HAZARDS EVALUATION			
STRIKE OUT				101,656	99,325
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				157,137	153,852
STRIKE OUT				3,360	3,500
020 Current Expenses					
INSERT IN PLACE THEREOF					
020 Current Expenses				3,510	3,650
STRIKE OUT				57,499	55,531
060 Benefits					
INSERT IN PLACE THEREOF					
060 Benefits				84,239	83,676
STRIKE OUT				2,188	2,210
070 In-State Travel Reimbursement					
INSERT IN PLACE THEREOF					
070 In-State Travel Reimbursement				3,188	3,210
STRIKE OUT					
TOTAL EXPENSES				386,438	252,051
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				469,809	335,873
STRIKE OUT				386,438	252,051
001 Transfer from Other Agencies					
INSERT IN PLACE THEREOF					
001 Transfer from Other Agencies				469,809	335,873
STRIKE OUT					
TOTAL FUNDS				386,438	252,051
INSERT IN PLACE THEREOF					
TOTAL FUNDS				469,809	335,873

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03		
DEPARTMENT:	44		
AGENCY:	044		
ACTIVITY:	440010		
ORGANIZATION:	1651		
TOTAL EXPENSES FOR GEOLOGIC HAZARDS EVALUATION		469,809	335,873
TOTAL ESTIMATED SOURCE OF FUNDS FOR GEOLOGIC HAZARDS EVALUATION			
OTHER FUNDS		469,809	335,873
TOTAL FUNDS		469,809	335,873
TOTAL EXPENSES FOR DEPT. ENVIRONMENTAL SERVICES		7,115,251	6,550,241
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT. ENVIRONMENTAL SERVICES			
FEDERAL FUNDS		1,341,147	1,128,277
GENERAL FUND		3,234,259	3,052,880
OTHER FUNDS		2,539,845	2,369,084
TOTAL FUNDS		7,115,251	6,550,241
CATEGORY: 03			
DEPARTMENT: 44			
AGENCY: 044			
ACTIVITY: 442010			
ORGANIZATION: 1000			
RESOURCE PROTECTION & DEVELOPMENT			
DEPT OF ENVIRONMENTAL SERVICES			
DES:ENVIRONMENTAL SERV DEPT OF			
WATER POLLUTION DIVISION			
POLLUTION CONTROL PROGRAM			
STRIKE OUT			
010 Personal Services-Perm. Classi		338,875	177,916
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		403,587	341,777
STRIKE OUT			
020 Current Expenses		39,586	39,586
INSERT IN PLACE THEREOF			
020 Current Expenses		44,980	43,586
STRIKE OUT			
050 Personal Service-Temp/Appointe		12,589	12,589
INSERT IN PLACE THEREOF			
050 Personal Service-Temp/Appointe		17,889	17,889

State of New Hampshire

AMENDMENTS TO
HB 0001

			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES	(CONT.)		
AGENCY: 044	DES-ENVIRONMENTAL SERV DEPT OF	(CONT.)		
ACTIVITY: 442010	WATER POLLUTION DIVISION	(CONT.)		
ORGANIZATION: 1000	POLLUTION CONTROL PROGRAM	(CONT.)		
STRIKE OUT				
060 Benefits			162,966	138,749
INSERT IN PLACE THEREOF				
060 Benefits			240,807	236,595
STRIKE OUT			800	800
070 In-State Travel Reimbursement				
INSERT IN PLACE THEREOF				
070 In-State Travel Reimbursement			2,300	2,300
STRIKE OUT				
TOTAL EXPENSES			791,100	602,115
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			945,847	874,622
STRIKE OUT			791,100	602,115
General Fund				
INSERT IN PLACE THEREOF				
General Fund			945,847	874,622
STRIKE OUT				
TOTAL FUNDS			791,100	602,115
INSERT IN PLACE THEREOF				
TOTAL FUNDS			945,847	874,622
TOTAL EXPENSES FOR POLLUTION CONTROL PROGRAM			945,847	874,622
TOTAL ESTIMATED SOURCE OF FUNDS FOR POLLUTION CONTROL PROGRAM				
GENERAL FUND				
TOTAL FUNDS			945,847	874,622
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES			
AGENCY: 044	DES-ENVIRONMENTAL SERV DEPT OF			
ACTIVITY: 442010	WATER POLLUTION DIVISION			
ORGANIZATION: 1518	LAKES - RIVERS MGMT			

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	442010	WATER POLLUTION DIVISION		
ORGANIZATION:	1618	LAKES - RIVERS MGMT		
STRIKE OUT			99,565	0
010	Personal Services-Perm. Classi			
INSERT IN PLACE THEREOF			134,930	64,350
010	Personal Services-Perm. Classi		1,491	0
STRIKE OUT				
020	Current Expenses			
INSERT IN PLACE THEREOF			2,250	2,250
020	Current Expenses			
INSERT				
024	Maint Other Than Build. - Grnds		100	100
INSERT				
027	Transfers To DOIT		4,613	4,414
INSERT				
028	Transfers To General Services		3,353	3,418
INSERT				
049	Transfer to Other State Agencies		112	112
STRIKE OUT			2,233	0
050	Personal Service-Temp/Appointe			
INSERT IN PLACE THEREOF			31,350	29,987
050	Personal Service-Temp/Appointe		40,654	0
STRIKE OUT				
060	Benefits			
INSERT IN PLACE THEREOF			65,859	39,073
060	Benefits			
INSERT			150	150
065	Board Expenses			
INSERT			1,000	1,000
070	In-State Travel Reimbursement			
STRIKE OUT			143,943	0
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			243,717	144,854
TOTAL EXPENSES				

State of New Hampshire

AMENDMENTS TO
HB 0001

			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES	(CONT.)		
AGENCY: 044	DES:ENVIRONMENTAL SERV DEPT OF	(CONT.)		
ACTIVITY: 442010	WATER POLLUTION DIVISION	(CONT.)		
ORGANIZATION: 1518	LAKES - RIVERS MGMT	(CONT.)		
STRIKE OUT			143,943	0
INSERT IN PLACE THEREOF	General Fund			
General Fund			243,717	144,854
STRIKE OUT			143,943	0
INSERT IN PLACE THEREOF	TOTAL FUNDS			
TOTAL FUNDS			243,717	144,854
TOTAL EXPENSES FOR LAKES - RIVERS MGMT			243,717	144,854
TOTAL ESTIMATED SOURCE OF FUNDS FOR LAKES - RIVERS MGMT			243,717	144,854
GENERAL FUND			243,717	144,854
TOTAL FUNDS				
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES			
AGENCY: 044	DES:ENVIRONMENTAL SERV DEPT OF			
ACTIVITY: 442010	WATER POLLUTION DIVISION			
ORGANIZATION: 1523	SHELLFISH PROT PROG/HLTHY TIDA			
STRIKE OUT			42,124	0
010 Personal Services-Perm. Classi				
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi			69,146	66,908
STRIKE OUT			3,500	0
018 Overtime				
INSERT IN PLACE THEREOF			6,550	3,500
018 Overtime			2,000	0
STRIKE OUT				
020 Current Expenses				
INSERT IN PLACE THEREOF				
020 Current Expenses			20,750	20,800

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES	(CONT.)		
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF	(CONT.)		
ACTIVITY:	442010	WATER POLLUTION DIVISION	(CONT.)		
ORGANIZATION:	1523	SHELLFISH PROT PROG/HLTHY TIDA	(CONT.)		
INSERT	022	Rents--Leases Other Than State		5,075	5,800
INSERT	024	Maint Other Than Build - Grnds		500	500
INSERT	026	Organizational Dues		300	300
INSERT	027	Transfers To DOIT		3,535	3,458
INSERT	030	Equipment New/Replacement		900	0
INSERT	049	Transfer to Other State Agencies		26,698	26,698
STRIKE OUT	050	Personal Service-Temp/Appointe		2,238	0
INSERT IN PLACE THEREOF	050	Personal Service-Temp/Appointe		10,238	10,238
STRIKE OUT	060	Benefits		15,223	0
INSERT IN PLACE THEREOF	060	Benefits		40,965	43,069
INSERT	070	In-State Travel Reimbursement		450	450
STRIKE OUT		TOTAL EXPENSES		65,085	0
INSERT IN PLACE THEREOF		TOTAL EXPENSES		185,107	181,721
STRIKE OUT		General Fund		65,085	0
INSERT IN PLACE THEREOF		General Fund		185,107	181,721

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	03				
DEPARTMENT:	44				
AGENCY:	044				
ACTIVITY:	442010				
ORGANIZATION:	1623				
STRIKE OUT					
TOTAL FUNDS		65,085	0		
INSERT IN PLACE THEREOF					
TOTAL FUNDS		185,107	181,721		
TOTAL EXPENSES FOR SHELLFISH PROT PROG/HLTHY TIDA					
TOTAL ESTIMATED SOURCE OF FUNDS FOR SHELLFISH PROT PROG/HLTHY TIDA					
GENERAL FUND		185,107	181,721		
TOTAL FUNDS		185,107	181,721		
TOTAL EXPENSES FOR WATER POLLUTION DIVISION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR WATER POLLUTION DIVISION					
FEDERAL FUNDS		49,463,463	43,032,087		
GENERAL FUND		15,022,860	14,530,672		
OTHER FUNDS		9,212,167	7,122,199		
TOTAL FUNDS		25,228,436	21,379,216		
		49,463,463	43,032,087		
CATEGORY:	03				
DEPARTMENT:	44				
AGENCY:	044				
ACTIVITY:	443010				
ORGANIZATION:	4803				
STRIKE OUT					
020 Current Expenses		750	750		
INSERT IN PLACE THEREOF					
020 Current Expenses		1,067	1,067		
STRIKE OUT					
040 Indirect Costs		3,737	3,756		
INSERT IN PLACE THEREOF					
040 Indirect Costs		3,871	3,890		

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT (CONT.)		
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES (CONT.)		
AGENCY: 044	DES:ENVIRONMENTAL SERV DEPT OF (CONT.)		
ACTIVITY: 443010	AIR RESOURCES DIVISION (CONT.)		
ORGANIZATION: 4803	ENV AND PUBLIC HEALTH TRACKING (CONT.)		
STRIKE OUT			
042 Additional Fringe Benefits		3,519	3,455
INSERT IN PLACE THEREOF			
042 Additional Fringe Benefits		5,183	5,119
INSERT			
050 Personal Service-Temp/Appointe		2,175	2,175
STRIKE OUT		30,841	30,284
059 Temp Full Time			
INSERT IN PLACE THEREOF		46,125	45,568
059 Temp Full Time		20,711	21,397
STRIKE OUT			
060 Benefits			
INSERT IN PLACE THEREOF		22,417	23,103
060 Benefits		60,808	60,892
STRIKE OUT			
TOTAL EXPENSES		82,088	82,172
INSERT IN PLACE THEREOF		60,808	60,892
TOTAL EXPENSES			
STRIKE OUT			
009 Agency Income		82,088	82,172
INSERT IN PLACE THEREOF		60,808	60,892
009 Agency Income			
STRIKE OUT			
TOTAL FUNDS		82,088	82,172
INSERT IN PLACE THEREOF			
TOTAL FUNDS			
TOTAL EXPENSES FOR ENV AND PUBLIC HEALTH TRACKING		82,088	82,172
TOTAL ESTIMATED SOURCE OF FUNDS FOR ENV AND PUBLIC HEALTH TRACKING			
OTHER FUNDS		82,088	82,172
TOTAL FUNDS		82,088	82,172

State of New Hampshire

AMENDMENTS TO
HB 0001

FISCAL YEAR 2013

FISCAL YEAR 2012

CATEGORY: 03 RESOURCE PROTECTION & DEVELOPMENT
DEPARTMENT: 44 DEPT OF ENVIRONMENTAL SERVICES
AGENCY: 044 DES:ENVIRONMENTAL SERV DEPT OF
ACTIVITY: 443010 AIR RESOURCES DIVISION
ORGANIZATION: 4796 DOE CLEAN CITIES

STRIKE OUT 000 Federal Funds 93,572 93,366
INSERT IN PLACE THEREOF 000 Federal Funds 102,727 102,387

STRIKE OUT 003 Revolving Funds 3,535 3,458
STRIKE OUT 005 Private Local Funds 5,620 5,563

STRIKE OUT TOTAL FUNDS 102,727 102,387
INSERT IN PLACE THEREOF TOTAL FUNDS 102,727 102,387

TOTAL EXPENSES FOR DOE CLEAN CITIES 102,727 102,387
TOTAL ESTIMATED SOURCE OF FUNDS FOR DOE CLEAN CITIES 102,727 102,387

FEDERAL FUNDS 102,727 102,387
TOTAL FUNDS 102,727 102,387

TOTAL EXPENSES FOR DOE CLEAN CITIES
TOTAL ESTIMATED SOURCE OF FUNDS FOR DOE CLEAN CITIES

CATEGORY: 03 RESOURCE PROTECTION & DEVELOPMENT
DEPARTMENT: 44 DEPT OF ENVIRONMENTAL SERVICES
AGENCY: 044 DES:ENVIRONMENTAL SERV DEPT OF
ACTIVITY: 443010 AIR RESOURCES DIVISION
ORGANIZATION: 9103 TITLE V FEE PERMITS

STRIKE OUT 010 Personal Services-Perm. Classi 1,874,214 1,770,471
INSERT IN PLACE THEREOF 010 Personal Services-Perm. Classi 1,805,068 1,770,471

STRIKE OUT 027 Transfers To DOI 212,389 212,507
INSERT IN PLACE THEREOF 027 Transfers To DOI 209,976 209,049

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES	(CONT.)		
AGENCY:	044	DES:ENVIRONMENTAL SERV DEPT OF	(CONT.)		
ACTIVITY:	443010	AIR RESOURCES DIVISION	(CONT.)		
ORGANIZATION:	9103	TITLE V FEE PERMITS	(CONT.)		
STRIKE OUT					
028	Transfers To General Services			86,057	90,996
INSERT IN PLACE THEREOF					
028	Transfers To General Services			82,743	87,578
STRIKE OUT					
049	Transfer to Other State Agencies			37,784	37,784
INSERT IN PLACE THEREOF					
049	Transfer to Other State Agencies			37,756	37,756
STRIKE OUT					
060	Benefits			1,059,462	1,078,856
INSERT IN PLACE THEREOF					
060	Benefits			1,029,994	1,078,856
STRIKE OUT					
TOTAL EXPENSES				4,113,217	4,021,176
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				4,008,848	4,014,272
STRIKE OUT					
006	Agency Income			4,113,217	4,021,176
INSERT IN PLACE THEREOF					
006	Agency Income			4,008,848	4,014,272
STRIKE OUT					
TOTAL FUNDS				4,113,217	4,021,176
INSERT IN PLACE THEREOF					
TOTAL FUNDS				4,008,848	4,014,272
TOTAL EXPENSES FOR TITLE V FEE PERMITS				4,008,848	4,014,272
TOTAL ESTIMATED SOURCE OF FUNDS FOR TITLE V FEE PERMITS				4,008,848	4,014,272
OTHER FUNDS				4,008,848	4,014,272
TOTAL FUNDS				4,008,848	4,014,272

State of New Hampshire

AMENDMENTS TO
HB 0001

FISCAL YEAR 2012 FISCAL YEAR 2013

CATEGORY: 03 RESOURCE PROTECTION & DEVELOPMENT
 DEPARTMENT: 44 DEPT OF ENVIRONMENTAL SERVICES
 AGENCY: 044 DES/ENVIRONMENTAL SERV DEPT OF
 ACTIVITY: 443010 AIR RESOURCES DIVISION
 ORGANIZATION: 9106 NH C02 BUDGET TRADING PROGRAM

INSERT	010	Personal Services-Perm. Classi	69,146	66,607
		STRIKE OUT		
	020	Current Expenses	1,700	0
		INSERT IN PLACE THEREOF		
	020	Current Expenses	1,700	1,700
		STRIKE OUT		
	027	Transfers To DOIT	3,535	0
		INSERT IN PLACE THEREOF		
	027	Transfers To DOIT	3,535	3,458
		STRIKE OUT		
	028	Transfers To General Services	3,353	0
		INSERT IN PLACE THEREOF		
	028	Transfers To General Services	3,353	3,418
		STRIKE OUT		
	040	Indirect Costs	3,630	0
		INSERT IN PLACE THEREOF		
	040	Indirect Costs	6,043	6,009
		STRIKE OUT		
	042	Additional Fringe Benefits	5,917	0
		INSERT IN PLACE THEREOF		
	042	Additional Fringe Benefits	9,231	8,941
		INSERT		
	049	Transfer to Other State Agencies	28	28
		STRIKE OUT		
	059	Temp Full Time	55,265	0
		INSERT IN PLACE THEREOF		
	059	Temp Full Time	11,753	11,751
		STRIKE OUT		
	060	Benefits	22,100	0
		INSERT IN PLACE THEREOF		
	060	Benefits	37,214	38,627

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	443010	AIR RESOURCES DIVISION		
ORGANIZATION:	9106	NH C02 BUDGET TRADING PROGRAM		
STRIKE OUT	066	Employee Training	500	0
INSERT IN PLACE THEREOF				
066	Employee Training		500	500
STRIKE OUT	070	In-State Travel Reimbursement	500	0
INSERT IN PLACE THEREOF				
070	In-State Travel Reimbursement		500	500
STRIKE OUT	080	Out-Of State Travel	2,500	0
INSERT IN PLACE THEREOF				
080	Out-Of State Travel		5,000	5,000
STRIKE OUT	102	Contracts for program services	1,000	0
INSERT IN PLACE THEREOF				
102	Contracts for program services		100,000	100,000
STRIKE OUT		TOTAL EXPENSES	100,000	0
INSERT IN PLACE THEREOF		TOTAL EXPENSES	248,003	246,539
STRIKE OUT	001	Transfer from Other Agencies	100,000	0
INSERT IN PLACE THEREOF				
001	Transfer from Other Agencies		248,003	246,539
STRIKE OUT		TOTAL FUNDS	100,000	0
INSERT IN PLACE THEREOF				
		TOTAL FUNDS	248,003	246,539

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES	(CONT.)		
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF	(CONT.)		
ACTIVITY:	443010	AIR RESOURCES DIVISION	(CONT.)		
ORGANIZATION:	9106	NH C02 BUDGET TRADING PROGRAM	(CONT.)		
TOTAL EXPENSES FOR NH C02 BUDGET TRADING PROGRAM		248,003		246,539	
TOTAL ESTIMATED SOURCE OF FUNDS FOR NH C02 BUDGET TRADING PROGRAM		248,003		246,539	
OTHER FUNDS		248,003		246,539	
TOTAL FUNDS					
TOTAL EXPENSES FOR AIR RESOURCES DIVISION		13,132,887		11,924,525	
TOTAL ESTIMATED SOURCE OF FUNDS FOR AIR RESOURCES DIVISION					
FEDERAL FUNDS		3,837,916		3,538,694	
GENERAL FUND		332,973		310,143	
OTHER FUNDS		8,961,998		8,075,688	
TOTAL FUNDS		13,132,887		11,924,525	
CATEGORY:		03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:		44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:		044	DES-ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:		444010	WASTE MANAGEMENT DIVISION		
ORGANIZATION:		2590	CERCLA PROGRAMS		
STRIKE OUT		102	Contracts for program services	3,000,000	
INSERT IN PLACE THEREOF		102	Contracts for program services	1,500,000	
STRIKE OUT		TOTAL EXPENSES	4,163,249	4,154,879	
INSERT IN PLACE THEREOF		TOTAL EXPENSES	5,663,249	2,654,879	
STRIKE OUT		000	Federal Funds	4,163,249	
INSERT IN PLACE THEREOF		000	Federal Funds	5,663,249	

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		(CONT.)	
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		(CONT.)	
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF		(CONT.)	
ACTIVITY:	444010	WASTE MANAGEMENT DIVISION		(CONT.)	
ORGANIZATION:	2590	CERCLA PROGRAMS		(CONT.)	
STRIKE OUT		TOTAL FUNDS		4,154,879	
INSERT IN PLACE THEREOF		TOTAL FUNDS		2,654,879	
TOTAL EXPENSES FOR CERCLA PROGRAMS		5,663,249		2,654,879	
TOTAL ESTIMATED SOURCE OF FUNDS FOR CERCLA PROGRAMS		5,663,249		2,654,879	
FEDERAL FUNDS		5,663,249		2,654,879	
TOTAL FUNDS					
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES			
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF			
ACTIVITY:	444010	WASTE MANAGEMENT DIVISION			
ORGANIZATION:	5402	SOLID WASTE PROGRAM			
STRIKE OUT		010 Personal Services-Perm. Classi		822,047	
INSERT IN PLACE THEREOF		010 Personal Services-Perm. Classi		830,227	
STRIKE OUT		060 Benefits		351,992	
INSERT IN PLACE THEREOF		060 Benefits		342,642	
STRIKE OUT		073 Grants-Non Federal		899,812	
INSERT IN PLACE THEREOF		073 Grants-Non Federal		927,658	
INSERT		073 F. This appropriation shall not lapse until June 30, 2013.		927,658	

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	444010	WASTE MANAGEMENT DIVISION		
ORGANIZATION:	5402	SOLID WASTE PROGRAM		
STRIKE OUT				
TOTAL EXPENSES			2,255,322	2,220,533
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			2,258,304	2,219,363
STRIKE OUT		General Fund	2,255,322	2,220,533
INSERT IN PLACE THEREOF		General Fund		
STRIKE OUT			2,258,304	2,219,363
INSERT IN PLACE THEREOF				
TOTAL FUNDS			2,255,322	2,220,533
INSERT IN PLACE THEREOF			2,258,304	2,219,363
TOTAL FUNDS				
TOTAL EXPENSES FOR SOLID WASTE PROGRAM			2,258,304	2,219,363
TOTAL ESTIMATED SOURCE OF FUNDS FOR SOLID WASTE PROGRAM				
GENERAL FUND			2,258,304	2,219,363
TOTAL FUNDS				
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	444010	WASTE MANAGEMENT DIVISION		
ORGANIZATION:	1400	OIL POLLUTION CONTROL FUND		
STRIKE OUT				
010	Personal Services-Perm. Classi		785,261	767,107
INSERT IN PLACE THEREOF				
010	Personal Services-Perm. Classi		774,427	758,927
STRIKE OUT			446,185	464,775
060	Benefits			
INSERT IN PLACE THEREOF			454,037	474,125
060	Benefits			

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY: 044	DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY: 444010	WASTE MANAGEMENT DIVISION		
ORGANIZATION: 1400	OIL POLLUTION CONTROL FUND		
STRIKE OUT			
TOTAL EXPENSES		3,070,899	3,069,441
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		3,067,917	3,070,611
STRIKE OUT			
009 Agency Income		3,070,899	3,069,441
INSERT IN PLACE THEREOF			
009 Agency Income		3,067,917	3,070,611
STRIKE OUT			
TOTAL FUNDS		3,070,899	3,069,441
INSERT IN PLACE THEREOF			
TOTAL FUNDS		3,067,917	3,070,611
TOTAL EXPENSES FOR OIL POLLUTION CONTROL FUND		3,067,917	3,070,611
TOTAL ESTIMATED SOURCE OF FUNDS FOR OIL POLLUTION CONTROL FUND			
OTHER FUNDS		3,067,917	3,070,611
TOTAL FUNDS		3,067,917	3,070,611
TOTAL EXPENSES FOR WASTE MANAGEMENT DIVISION			
TOTAL ESTIMATED SOURCE OF FUNDS FOR WASTE MANAGEMENT DIVISION		40,213,327	36,533,322
FEDERAL FUNDS		12,689,023	9,683,937
GENERAL FUND		3,873,707	3,865,736
OTHER FUNDS		23,650,597	22,983,649
TOTAL FUNDS		40,213,327	36,533,322
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY: 044	DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY: 441010	REVOLVING LOAN FUNDS		
ORGANIZATION: 4718	DWSRF ADMINISTRATION		

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	441010	REVOLVING LOAN FUNDS		
ORGANIZATION:	4718	DWSRF ADMINISTRATING		
STRIKE OUT				
010	Personal Services-Perm. Classi		1,658,374	1,628,530
INSERT IN PLACE THEREOF				
010	Personal Services-Perm. Classi		1,343,631	1,318,866
STRIKE OUT				
027	Transfers To DOIT		98,974	96,826
INSERT IN PLACE THEREOF				
027	Transfers To DOIT		79,974	77,826
STRIKE OUT				
028	Transfers To General Services		97,253	99,121
INSERT IN PLACE THEREOF				
028	Transfers To General Services		80,486	82,031
STRIKE OUT				
040	Indirect Costs		131,047	131,047
INSERT IN PLACE THEREOF				
040	Indirect Costs		109,937	109,719
STRIKE OUT				
042	Additional Fringe Benefits		210,927	207,637
INSERT IN PLACE THEREOF				
042	Additional Fringe Benefits		180,045	172,305
STRIKE OUT				
049	Transfer to Other State Agencies		812	812
INSERT IN PLACE THEREOF				
049	Transfer to Other State Agencies		672	672
STRIKE OUT				
060	Benefits		1,045,291	1,093,819
INSERT IN PLACE THEREOF				
060	Benefits		886,514	926,383
STRIKE OUT				
TOTAL EXPENSES			4,458,784	4,474,398
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			3,897,365	3,904,408

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY: 044	DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY: 441010	REVOLVING LOAN FUNDS		
ORGANIZATION: 4718	DWSRF ADMINISTRATING		
STRIKE OUT			
000 Federal Funds		4,458,784	4,474,398
INSERT IN PLACE THEREOF			
000 Federal Funds		3,897,365	3,904,408
STRIKE OUT			
TOTAL FUNDS		4,458,784	4,474,398
INSERT IN PLACE THEREOF			
TOTAL FUNDS		3,897,365	3,904,408
TOTAL EXPENSES FOR DWSRF ADMINISTRATING		3,897,365	3,904,408
TOTAL ESTIMATED SOURCE OF FUNDS FOR DWSRF ADMINISTRATING		3,897,365	3,904,408
FEDERAL FUNDS		3,897,365	3,904,408
TOTAL FUNDS			
CATEGORY: 03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT: 44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY: 044	DES:ENVIRONMENTAL SERV DEPT OF		
ACTIVITY: 441010	REVOLVING LOAN FUNDS		
ORGANIZATION: 4790	DWSRF LOAN MANAGEMENT		
STRIKE OUT			
010 Personal Services-Perm. Classi		441,300	428,490
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		756,043	738,154
STRIKE OUT		258,822	257,101
027 Transfers To DOIT			
INSERT IN PLACE THEREOF		277,822	276,101
027 Transfers To DOIT		23,474	23,926
STRIKE OUT			
028 Transfers To General Services			
INSERT IN PLACE THEREOF		40,241	41,016
028 Transfers To General Services			

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	44	DEPT OF ENVIRONMENTAL SERVICES		
AGENCY:	044	DES-ENVIRONMENTAL SERV DEPT OF		
ACTIVITY:	441010	REVOLVING LOAN FUNDS		
ORGANIZATION:	4790	DWSRF LOAN MANAGEMENT		
STRIKE OUT				
040 Indirect Costs			40,566	40,601
INSERT IN PLACE THEREOF				
040 Indirect Costs			61,676	61,929
STRIKE OUT			84,136	77,844
042 Additional Fringe Benefits				
INSERT IN PLACE THEREOF				
042 Additional Fringe Benefits			115,018	112,976
STRIKE OUT			9,168	9,168
049 Transfer to Other State Agencies				
INSERT IN PLACE THEREOF			9,308	9,308
049 Transfer to Other State Agencies			402,553	413,247
STRIKE OUT				
060 Benefits				
INSERT IN PLACE THEREOF			561,330	580,683
060 Benefits				
STRIKE OUT				
TOTAL EXPENSES			1,841,519	1,831,677
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			2,402,938	2,401,667
STRIKE OUT			1,841,519	1,831,677
009 Agency Income				
INSERT IN PLACE THEREOF			2,402,938	2,401,667
009 Agency Income				
STRIKE OUT				
TOTAL FUNDS			1,841,519	1,831,677
INSERT IN PLACE THEREOF			2,402,938	2,401,667
TOTAL FUNDS				

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03		
DEPARTMENT:	44		
AGENCY:	044		
ACTIVITY:	441010		
ORGANIZATION:	4790		
TOTAL EXPENSES FOR DWSRF LOAN MANAGEMENT		2,402,938	2,401,667
TOTAL ESTIMATED SOURCE OF FUNDS FOR DWSRF LOAN MANAGEMENT		2,402,938	2,401,667
OTHER FUNDS		2,402,938	2,401,667
TOTAL FUNDS			
TOTAL EXPENSES FOR REVOLVING LOAN FUNDS		101,973,579	101,994,142
TOTAL ESTIMATED SOURCE OF FUNDS FOR REVOLVING LOAN FUNDS			
FEDERAL FUNDS		45,816,316	45,838,942
OTHER FUNDS		56,157,263	56,155,200
TOTAL FUNDS		101,973,579	101,994,142
TOTAL EXPENSES FOR DES:ENVIRONMENTAL SERV DEPT OF		211,898,507	200,034,317
TOTAL ESTIMATED SOURCE OF FUNDS FOR DES:ENVIRONMENTAL SERV DEPT OF			
FEDERAL FUNDS		78,707,262	74,720,522
GENERAL FUND		16,653,106	14,350,958
OTHER FUNDS		116,538,139	110,962,837
TOTAL FUNDS		211,898,507	200,034,317
TOTAL EXPENSES FOR DEPT OF ENVIRONMENTAL SERVICES		211,898,507	200,034,317
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF ENVIRONMENTAL SERVICES			
FEDERAL FUNDS		78,707,262	74,720,522
GENERAL FUND		16,653,106	14,350,958
OTHER FUNDS		116,538,139	110,962,837
TOTAL FUNDS		211,898,507	200,034,317

State of New Hampshire

AMENDMENTS TO			FISCAL YEAR 2012	FISCAL YEAR 2013
HB 0001				
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY		
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY		
ACTIVITY:	130010	PEASE DEVELOPMENT AUTHORITY		
ORGANIZATION:	1385	PEASE DEVELOPMENT AUTHORITY		
INSERT	016	Personal Services Non Classified	1	1
INSERT	020	Current Expenses	1	1
INSERT	023	Heat- Electricity - Water	1	1
INSERT	046	Consultants	1	1
INSERT	047	Own Forces Maint.-Build.-Grnds	1	1
INSERT	060	Benefits	1	1
INSERT	062	Workers Compensation	1	1
INSERT	069	Promotional - Marketing Expens	1	1
INSERT	309	Pease Revenue Offset	1	1
INSERT		TOTAL EXPENSES	9	9
INSERT	006	Agency Income	9	9
INSERT		TOTAL FUNDS	9	9
TOTAL EXPENSES FOR PEASE DEVELOPMENT AUTHORITY			9	9
TOTAL ESTIMATED SOURCE OF FUNDS FOR PEASE DEVELOPMENT AUTHORITY			9	9
OTHER FUNDS			9	9
TOTAL FUNDS			9	9

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY	(CONT.)		
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY	(CONT.)		
ACTIVITY:	130010	PEASE DEVELOPMENT AUTHORITY	(CONT.)		
TOTAL EXPENSES FOR PEASE DEVELOPMENT AUTHORITY				9	9
TOTAL ESTIMATED SOURCE OF FUNDS FOR PEASE DEVELOPMENT AUTHORITY				9	9
OTHER FUNDS				9	9
TOTAL FUNDS					
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY			
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY			
ACTIVITY:	130510	DIVISION OF PORTS AND HARBORS			
ORGANIZATION:	3850	ADMINISTRATION			
INSERT	010	Personal Services-Perm. Classi		144,189	139,182
INSERT	018	Overtime		25,000	27,500
INSERT	020	Current Expenses		895,000	925,000
INSERT	023	Heat- Electricity - Water		140,000	145,000
INSERT	046	Consultants		125,000	125,000
INSERT	050	Personal Service-Temp/Appointe		266,000	266,000
INSERT	060	Benefits		89,657	93,103
INSERT	069	Promotional - Marketing Exps		10,000	10,000
INSERT		TOTAL EXPENSES		1,694,846	1,730,785
INSERT	006	Agency Income		1,694,846	1,730,785
INSERT		TOTAL FUNDS		1,694,846	1,730,785

State of New Hampshire

**AMENDMENTS TO
HB 0001**

CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY	(CONT.)
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY	(CONT.)
ACTIVITY:	130610	DIVISION OF PORTS AND HARBORS	(CONT.)
ORGANIZATION:	3880	ADMINISTRATION	(CONT.)

FISCAL YEAR 2013

FISCAL YEAR 2012

TOTAL EXPENSES FOR ADMINISTRATION	1,694,846	1,730,785
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION		
OTHER FUNDS	1,694,846	1,730,785
TOTAL FUNDS	1,694,846	1,730,785

CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY
ACTIVITY:	130610	DIVISION OF PORTS AND HARBORS
ORGANIZATION:	3861	FOREIGN TRADE ZONE

[illegible]

TOTAL EXPENSES FOR FOREIGN TRADE ZONE
TOTAL ESTIMATED SOURCE OF FUNDS FOR FOREIGN TRADE ZONE
OTHER FUNDS
TOTAL FUNDS

CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY
ACTIVITY:	130610	DIVISION OF PORTS AND HARBORS
ORGANIZATION:	3857	HARBOR MANAGEMENT PROGRAM

Prepared By: Office of Legislative Budget Assistant
Run Time: 5/26/2011 6:20:10PM

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY	(CONT.)		
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY	(CONT.)		
ACTIVITY:	130510	DIVISION OF PORTS AND HARBORS	(CONT.)		
ORGANIZATION:	3857	HARBOR MANAGEMENT PROGRAM	(CONT.)		
INSERT	010	Personal Services-Perm. Classi		162,217	156,711
INSERT	018	Overtime		45,000	50,600
INSERT	020	Current Expenses		41,000	43,000
INSERT	023	Heat-Electricity - Water		17,000	20,000
INSERT	047	Own Forces Maint.-Build.-Grnds		10,000	10,000
INSERT	050	Personal Service-Temp/Appointe		135,000	137,000
INSERT	060	Benefits		132,861	140,548
INSERT		TOTAL EXPENSES		543,078	557,859
INSERT	008	Agency Income		543,078	557,859
INSERT		TOTAL FUNDS		543,078	557,859
TOTAL EXPENSES FOR HARBOR MANAGEMENT PROGRAM				543,078	557,859
TOTAL ESTIMATED SOURCE OF FUNDS FOR HARBOR MANAGEMENT PROGRAM				543,078	557,859
OTHER FUNDS				543,078	557,859
TOTAL FUNDS					
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT			
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY			
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY			
ACTIVITY:	130510	DIVISION OF PORTS AND HARBORS			
ORGANIZATION:	3858	DREDGING MANAGEMENT			

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	13	PEASE DEVELOPMENT AUTHORITY		
AGENCY:	013	PEASE DEVELOPMENT AUTHORITY		
ACTIVITY:	130510	DIVISION OF PORTS AND HARBORS		
ORGANIZATION:	3888	DREDGING MANAGEMENT		
INSERT	309	Pease Revenue Offset	130,000	130,000
INSERT		INSERT	130,000	130,000
INSERT		TOTAL EXPENSES	130,000	130,000
INSERT	006	Agency Income	130,000	130,000
INSERT		TOTAL FUNDS	130,000	130,000
		TOTAL EXPENSES FOR DREDGING MANAGEMENT	130,000	130,000
		TOTAL ESTIMATED SOURCE OF FUNDS FOR DREDGING MANAGEMENT	130,000	130,000
		OTHER FUNDS	130,000	130,000
		TOTAL FUNDS		
		TOTAL EXPENSES FOR DIVISION OF PORTS AND HARBORS	2,392,924	2,443,644
		TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF PORTS AND HARBORS	2,392,924	2,443,644
		OTHER FUNDS	2,392,924	2,443,644
		TOTAL FUNDS		
		TOTAL EXPENSES FOR PEASE DEVELOPMENT AUTHORITY	2,392,933	2,443,653
		TOTAL ESTIMATED SOURCE OF FUNDS FOR PEASE DEVELOPMENT AUTHORITY	2,392,933	2,443,653
		OTHER FUNDS	2,392,933	2,443,653
		TOTAL FUNDS		
		TOTAL EXPENSES FOR PEASE DEVELOPMENT AUTHORITY	2,392,933	2,443,653
		TOTAL ESTIMATED SOURCE OF FUNDS FOR PEASE DEVELOPMENT AUTHORITY	2,392,933	2,443,653
		OTHER FUNDS	2,392,933	2,443,653
		TOTAL FUNDS		

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT (CONT.)		
TOTAL EXPENSES FOR RESOURCE PROTECTION & DEVELOPMENT				
TOTAL ESTIMATED SOURCE OF FUNDS FOR RESOURCE PROTECTION & DEVELOPMENT				
FEDERAL FUNDS			306,866,699	288,605,142
GENERAL FUND			108,004,292	103,240,981
HIGHWAY FUNDS			30,065,748	27,838,470
TURNPIKE FUNDS			1,250,882	1,348,995
FISH AND GAME FUNDS			1,269,327	1,241,759
OTHER FUNDS			13,795,778	14,120,311
			152,480,672	140,814,626
TOTAL FUNDS			306,866,699	288,605,142
CATEGORY:	04	TRANSPORTATION		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION		
AGENCY:	096	TRANSPORTATION, DEPT OF		
ACTIVITY:	960015	ADMINISTRATION		
ORGANIZATION:	3038	EXECUTIVE OFFICE		
STRIKE OUT				15,428
025	State Owned Equipment Usage	*	15,445	
INSERT IN PLACE THEREOF				
025	State Owned Equipment Usage	*	50,445	50,428
STRIKE OUT				
025	State Owned Equipment Usage	*	2,426,604	2,358,318
INSERT IN PLACE THEREOF				
025	State Owned Equipment Usage	*	2,461,604	2,393,318
TOTAL EXPENSES				
TOTAL EXPENSES			2,426,604	2,358,318
STRIKE OUT				
Highway Funds				
INSERT IN PLACE THEREOF				
Highway Funds			2,461,604	2,393,318
STRIKE OUT				
TOTAL FUNDS			2,426,604	2,358,318
INSERT IN PLACE THEREOF				
TOTAL FUNDS			2,461,604	2,393,318

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
AGENCY:	096	TRANSPORTATION, DEPT OF	(CONT.)		
ACTIVITY:	960515	ADMINISTRATION	(CONT.)		
ORGANIZATION:	3038	EXECUTIVE OFFICE	(CONT.)		
TOTAL EXPENSES FOR EXECUTIVE OFFICE				2,461,604	2,393,318
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE OFFICE				2,461,604	2,393,318
HIGHWAY FUNDS				2,461,604	2,393,318
TOTAL FUNDS				2,461,604	2,393,318
TOTAL EXPENSES FOR ADMINISTRATION				2,461,604	2,393,318
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION				2,461,604	2,393,318
HIGHWAY FUNDS				2,461,604	2,393,318
TOTAL FUNDS				2,461,604	2,393,318
CATEGORY:	04	TRANSPORTATION			
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION			
AGENCY:	096	TRANSPORTATION, DEPT OF			
ACTIVITY:	960515	OPS DIVISION HIGHWAY			
ORGANIZATION:	3007	HIGHWAY MAINTENANCE BUREAU			
STRIKE OUT					
025	State Owned Equipment Usage			10,521,775	10,508,972
INSERT IN PLACE THEREOF					
025	State Owned Equipment Usage			9,992,587	9,938,990
STRIKE OUT					
025	State Owned Equipment Usage			87,918,266	87,574,526
TOTAL EXPENSES					
INSERT IN PLACE THEREOF					
025	State Owned Equipment Usage			87,389,108	87,003,544
STRIKE OUT					
025	State Owned Equipment Usage			87,701,309	87,354,358
TOTAL EXPENSES					
INSERT IN PLACE THEREOF					
025	State Owned Equipment Usage			87,172,121	86,783,376

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
AGENCY:	096	TRANSPORTATION, DEPT OF	(CONT.)		
ACTIVITY:	960515	OPS DIVISION HIGHWAY	(CONT.)		
ORGANIZATION:	3007	HIGHWAY MAINTENANCE BUREAU	(CONT.)		
STRIKE OUT					
TOTAL FUNDS				87,918,296	87,574,526
INSERT IN PLACE THEREOF					
TOTAL FUNDS				87,389,108	87,003,544
TOTAL EXPENSES FOR HIGHWAY MAINTENANCE BUREAU				87,389,108	87,003,544
TOTAL ESTIMATED SOURCE OF FUNDS FOR HIGHWAY MAINTENANCE BUREAU					
HIGHWAY FUNDS				87,172,121	86,783,376
OTHER FUNDS				216,987	220,168
TOTAL FUNDS				87,389,108	87,003,544
TOTAL EXPENSES FOR OPS DIVISION HIGHWAY				129,248,351	128,149,684
TOTAL ESTIMATED SOURCE OF FUNDS FOR OPS DIVISION HIGHWAY					
FEDERAL FUNDS				4,750,336	4,711,284
HIGHWAY FUNDS				103,887,623	102,937,719
OTHER FUNDS				20,610,392	20,500,681
TOTAL FUNDS				129,248,351	128,149,684
CATEGORY:					
DEPARTMENT:	04	TRANSPORTATION			
AGENCY:	96	DEPARTMENT OF TRANSPORTATION			
ACTIVITY:	096	TRANSPORTATION, DEPT OF			
ORGANIZATION:	961017	TURNPIKES DIVISION			
	7499	TURNPIKE DEBT SERVICE			
STRIKE OUT					
044 Debt Service Other Agencies				32,869,362	38,325,201
INSERT IN PLACE THEREOF					
044 Debt Service Other Agencies				36,000,000	42,800,000

State of New Hampshire

AMENDMENTS TO
HB 0001

CATEGORY: 04
DEPARTMENT: 96
AGENCY: 096
ACTIVITY: 961017
ORGANIZATION: 7499

TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION, DEPT OF

TURNPIKES DIVISION

TURNPIKE DEBT SERVICE

(CONT.)
(CONT.)
(CONT.)
(CONT.)

FISCAL YEAR 2012

FISCAL YEAR 2013

STRIKE OUT		
TOTAL EXPENSES	32,869,362	38,325,201
INSERT IN PLACE THEREOF		
TOTAL EXPENSES	36,000,000	42,800,000
STRIKE OUT		
Turnpike Funds	29,738,724	35,194,563
INSERT IN PLACE THEREOF		
Turnpike Funds	32,869,362	39,669,362
STRIKE OUT		
TOTAL FUNDS	32,869,362	38,325,201
INSERT IN PLACE THEREOF		
TOTAL FUNDS	36,000,000	42,800,000
TOTAL EXPENSES FOR TURNPIKE DEBT SERVICE		
TOTAL ESTIMATED SOURCE OF FUNDS FOR TURNPIKE DEBT SERVICE		
FEDERAL FUNDS	3,130,638	3,130,638
TURNPIKE FUNDS	32,869,362	39,669,362
TOTAL FUNDS	36,000,000	42,800,000
TOTAL EXPENSES FOR TURNPIKES DIVISION		
TOTAL ESTIMATED SOURCE OF FUNDS FOR TURNPIKES DIVISION	112,051,011	123,497,651
FEDERAL FUNDS		
TURNPIKE FUNDS	3,130,638	3,130,638
TOTAL FUNDS	108,920,373	120,367,013
	112,051,011	123,497,651

CATEGORY: 04
DEPARTMENT: 96
AGENCY: 096
ACTIVITY: 962015
ORGANIZATION: 3012

TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION, DEPT OF

PROJECT DEVELOPMENT

MUNICIPAL BRIDGE PROGRAM

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
AGENCY:	096	TRANSPORTATION, DEPT OF	(CONT.)		
ACTIVITY:	962015	PROJECT DEVELOPMENT	(CONT.)		
ORGANIZATION:	3012	MUNICIPAL BRIDGE PROGRAM	(CONT.)		
STRIKE OUT					
073	Grants-Non Federal			6,375,440	6,695,605
INSERT IN PLACE THEREOF					
073	Grants-Non Federal			6,695,605	6,695,611
STRIKE OUT					
073	Grants-Non Federal			6,479,835	6,799,994
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				6,800,000	6,800,000
STRIKE OUT					
Highway Funds				6,479,835	6,799,994
INSERT IN PLACE THEREOF					
Highway Funds					
STRIKE OUT					
TOTAL FUNDS				6,800,000	6,800,000
INSERT IN PLACE THEREOF					
TOTAL FUNDS				6,479,835	6,799,994
STRIKE OUT					
073	Grants-Non Federal			6,800,000	6,800,000
INSERT IN PLACE THEREOF					
TOTAL EXPENSES FOR MUNICIPAL BRIDGE PROGRAM				6,800,000	6,800,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR MUNICIPAL BRIDGE PROGRAM				6,800,000	6,800,000
HIGHWAY FUNDS				6,800,000	6,800,000
TOTAL FUNDS					
CATEGORY:	04	TRANSPORTATION			
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION			
AGENCY:	096	TRANSPORTATION, DEPT OF			
ACTIVITY:	962015	PROJECT DEVELOPMENT			
ORGANIZATION:	3013	APPORTIONMENT A - B			
STRIKE OUT					
414	Block Grant Apportionment A			35,359,000	36,000,000
INSERT IN PLACE THEREOF					
414	Block Grant Apportionment A			34,500,000	29,850,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
AGENCY:	096	TRANSPORTATION, DEPT OF	(CONT.)		
ACTIVITY:	962015	PROJECT DEVELOPMENT	(CONT.)		
ORGANIZATION:	3013	APPORTIONMENT A - B	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES				35,759,000	36,400,000
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				34,900,000	30,250,000
STRIKE OUT		Highway Funds			
INSERT IN PLACE THEREOF		Highway Funds		35,759,000	36,400,000
STRIKE OUT					
TOTAL FUNDS				34,900,000	30,250,000
INSERT IN PLACE THEREOF					
TOTAL FUNDS				35,759,000	36,400,000
TOTAL EXPENSES FOR APPORTIONMENT A - B				34,900,000	30,250,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR APPORTIONMENT A - B				34,900,000	30,250,000
HIGHWAY FUNDS				34,900,000	30,250,000
TOTAL FUNDS					
CATEGORY:	04	TRANSPORTATION			
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION			
AGENCY:	096	TRANSPORTATION, DEPT OF			
ACTIVITY:	962015	PROJECT DEVELOPMENT			
ORGANIZATION:	3032	ENVIRONMENTAL BUREAU			
STRIKE OUT					
025		State Owned Equipment Usage		43,273	43,225
INSERT IN PLACE THEREOF					
025		State Owned Equipment Usage		53,273	53,225
STRIKE OUT					
TOTAL EXPENSES				1,572,096	1,577,519
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				1,582,096	1,587,519

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
AGENCY:	096	TRANSPORTATION, DEPT OF	(CONT.)		
ACTIVITY:	962015	PROJECT DEVELOPMENT	(CONT.)		
ORGANIZATION:	3032	ENVIRONMENTAL BUREAU	(CONT.)		
STRIKE OUT		Highway Funds		1,572,096	1,577,519
INSERT IN PLACE THEREOF		Highway Funds		1,582,096	1,587,519
STRIKE OUT		TOTAL FUNDS		1,572,096	1,577,519
INSERT IN PLACE THEREOF		TOTAL FUNDS		1,582,096	1,587,519
TOTAL EXPENSES FOR ENVIRONMENTAL BUREAU				1,582,096	1,587,519
TOTAL ESTIMATED SOURCE OF FUNDS FOR ENVIRONMENTAL BUREAU				1,582,096	1,587,519
HIGHWAY FUNDS				1,582,096	1,587,519
TOTAL FUNDS					
CATEGORY:	04	TRANSPORTATION			
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION			
AGENCY:	096	TRANSPORTATION, DEPT OF			
ACTIVITY:	962015	PROJECT DEVELOPMENT			
ORGANIZATION:	3033	BRIDGE DESIGN BUREAU			
STRIKE OUT		State Owned Equipment Usage		61,989	61,919
INSERT IN PLACE THEREOF		State Owned Equipment Usage		106,989	106,919
STRIKE OUT		TOTAL EXPENSES		3,453,434	3,453,535
INSERT IN PLACE THEREOF		TOTAL EXPENSES		3,498,434	3,498,535
STRIKE OUT		Highway Funds		3,453,434	3,453,535
INSERT IN PLACE THEREOF		Highway Funds		3,498,434	3,498,535

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 04	TRANSPORTATION		
DEPARTMENT: 96	DEPARTMENT OF TRANSPORTATION		
AGENCY: 096	TRANSPORTATION, DEPT OF		
ACTIVITY: 962015	PROJECT DEVELOPMENT		
ORGANIZATION: 3037	STATE AID CONSTRUCTION		
TOTAL EXPENSES FOR STATE AID CONSTRUCTION		1,700,000	1,700,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE AID CONSTRUCTION			
HIGHWAY FUNDS		1,700,000	1,700,000
TOTAL FUNDS		1,700,000	1,700,000
TOTAL EXPENSES FOR PROJECT DEVELOPMENT		87,877,963	83,314,346
TOTAL ESTIMATED SOURCE OF FUNDS FOR PROJECT DEVELOPMENT			
FEDERAL FUNDS		6,178,144	6,178,102
HIGHWAY FUNDS		81,286,805	76,723,087
OTHER FUNDS		413,014	413,157
TOTAL FUNDS		87,877,963	83,314,346
CATEGORY: 04	TRANSPORTATION		
DEPARTMENT: 96	DEPARTMENT OF TRANSPORTATION		
AGENCY: 096	TRANSPORTATION- DEPT OF		
ACTIVITY: 964010	AERONAUT RAIL & TRANSIT FND 10		
ORGANIZATION: 2916	PUBLIC TRANSPORTATION		
STRIKE OUT			
010	Personal Services-Perm. Classi	285,375	276,384
INSERT IN PLACE THEREOF			
010	Personal Services-Perm. Classi	331,849	323,106
STRIKE OUT			
060	Benefits	149,687	157,198
INSERT IN PLACE THEREOF			
060	Benefits	175,248	182,895
STRIKE OUT			
TOTAL EXPENSES		10,715,084	10,716,988
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		10,787,119	10,789,407

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
AGENCY:	096	TRANSPORTATION- DEPT OF	(CONT.)		
ACTIVITY:	964010	AERONAUT RAIL & TRANSIT FND 10	(CONT.)		
ORGANIZATION:	2916	PUBLIC TRANSPORTATION	(CONT.)		
STRIKE OUT				10,560,563	10,560,459
000 Federal Funds					
INSERT IN PLACE THEREOF					
000 Federal Funds				10,632,598	10,632,878
STRIKE OUT					
TOTAL FUNDS				10,715,084	10,716,988
INSERT IN PLACE THEREOF					
TOTAL FUNDS				10,787,119	10,789,407
TOTAL EXPENSES FOR PUBLIC TRANSPORTATION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR PUBLIC TRANSPORTATION				10,787,119	10,789,407
FEDERAL FUNDS				10,632,598	10,632,878
GENERAL FUND				58,242	57,194
OTHER FUNDS				96,279	99,335
TOTAL FUNDS				10,787,119	10,789,407
TOTAL EXPENSES FOR AERONAUT RAIL & TRANSIT FND 10				26,899,327	24,625,160
TOTAL ESTIMATED SOURCE OF FUNDS FOR AERONAUT RAIL & TRANSIT FND 10					
FEDERAL FUNDS				25,672,598	23,432,878
GENERAL FUND				957,842	961,838
OTHER FUNDS				228,887	230,444
TOTAL FUNDS				26,899,327	24,625,160
CATEGORY:	04	TRANSPORTATION			
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION			
AGENCY:	096	TRANSPORTATION, DEPT OF			
ACTIVITY:	964015	AERONAUT RAIL & TRANSIT FND 15			
ORGANIZATION:	3030	RIDESHARE-BIKEPEP PROGRAM			

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04		
DEPARTMENT:	96		
AGENCY:	096		
ACTIVITY:	965016		
ORGANIZATION:	7891		
TRANSPORTATION			
DEPARTMENT OF TRANSPORTATION			
TRANSPORTATION, DEPT OF			
DEBT SERVICE			
DEBT SERVICE			
STRIKE OUT			
044 Debt Service Other Agencies		11,850,000	11,325,000
INSERT IN PLACE THEREOF			
044 Debt Service Other Agencies		12,250,000	12,325,000
STRIKE OUT			
TOTAL EXPENSES		11,850,000	11,325,000
INSERT IN PLACE THEREOF		12,250,000	12,325,000
TOTAL EXPENSES		11,850,000	11,325,000
STRIKE OUT			
Highway Funds		12,250,000	12,325,000
INSERT IN PLACE THEREOF			
Highway Funds		11,850,000	11,325,000
STRIKE OUT			
TOTAL FUNDS		12,250,000	12,325,000
INSERT IN PLACE THEREOF			
TOTAL FUNDS		12,250,000	12,325,000
TOTAL EXPENSES FOR DEBT SERVICE			
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEBT SERVICE			
HIGHWAY FUNDS		12,250,000	12,325,000
TOTAL FUNDS		12,250,000	12,325,000
TOTAL EXPENSES FOR DEBT SERVICE			
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEBT SERVICE			
HIGHWAY FUNDS		12,250,000	12,325,000
TOTAL FUNDS		12,250,000	12,325,000

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 04	TRANSPORTATION		
DEPARTMENT: 96	DEPARTMENT OF TRANSPORTATION		
AGENCY: 096	TRANSPORTATION, DEPT OF		
ACTIVITY: 965515	OTHER HWY PROGRAMS		
ORGANIZATION: 3018	TRANSFERS TO OTHER AGENCIES		
STRIKE OUT			
Highway Funds		6,871,709	6,870,738
INSERT IN PLACE THEREOF			
Highway Funds		6,762,183	6,763,900
INSERT			
Turnpike Funds		109,526	106,838
STRIKE OUT			
TOTAL FUNDS		6,871,709	6,870,738
INSERT IN PLACE THEREOF			
TOTAL FUNDS		6,871,709	6,870,738
TOTAL EXPENSES FOR TRANSFERS TO OTHER AGENCIES			
TOTAL ESTIMATED SOURCE OF FUNDS FOR TRANSFERS TO OTHER AGENCIES			
HIGHWAY FUNDS		6,871,709	6,870,738
TURNPIKE FUNDS		6,762,183	6,763,900
TOTAL FUNDS		109,526	106,838
		6,871,709	6,870,738
TOTAL EXPENSES FOR OTHER HWY PROGRAMS			
TOTAL ESTIMATED SOURCE OF FUNDS FOR OTHER HWY PROGRAMS			
HIGHWAY FUNDS		9,834,063	9,853,641
TURNPIKE FUNDS			
TOTAL FUNDS			
		9,724,537	9,746,803
		109,526	106,838
		9,834,063	9,853,641
CATEGORY: 04	TRANSPORTATION		
DEPARTMENT: 96	DEPARTMENT OF TRANSPORTATION		
AGENCY: 096	TRANSPORTATION, DEPT OF		
ACTIVITY: 960215	DIVISION OF FINANCE		
ORGANIZATION: 3001	DIVISION OF FINANCE		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
AGENCY:	096	TRANSPORTATION, DEPT OF	(CONT.)		
ACTIVITY:	960215	DIVISION OF FINANCE	(CONT.)		
ORGANIZATION:	3001	DIVISION OF FINANCE	(CONT.)		
STRIKE OUT					
025	State Owned Equipment Usage			7,443	7,434
INSERT IN PLACE THEREOF					
025	State Owned Equipment Usage			9,443	9,434
STRIKE OUT					
INSERT IN PLACE THEREOF				3,175,726	3,234,062
TOTAL EXPENSES				3,177,726	3,236,062
STRIKE OUT					
INSERT IN PLACE THEREOF				3,150,726	3,209,062
TOTAL EXPENSES				3,152,726	3,211,062
STRIKE OUT					
INSERT IN PLACE THEREOF				3,175,726	3,234,062
TOTAL EXPENSES				3,177,726	3,236,062
TOTAL EXPENSES FOR DIVISION OF FINANCE				3,177,726	3,236,062
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF FINANCE				3,152,726	3,211,062
HIGHWAY FUNDS				25,000	25,000
OTHER FUNDS				3,177,726	3,236,062
TOTAL FUNDS					
TOTAL EXPENSES FOR DIVISION OF FINANCE				3,177,726	3,236,062
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF FINANCE				3,152,726	3,211,062
HIGHWAY FUNDS				25,000	25,000
OTHER FUNDS				3,177,726	3,236,062
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION			
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION			
AGENCY:	096	TRANSPORTATION, DEPT OF			
ACTIVITY:	963515	CONSOLIDATED FEDERAL AID PROGRAM			
ORGANIZATION:	8683	GARVEE DEBT SERVICE			
INSERT	044	Debt Service Other Agencies			3,632,925
INSERT		INSERT			3,632,925
INSERT		TOTAL EXPENSES			3,632,925
INSERT	000	Federal Funds			3,632,925
INSERT		INSERT			3,632,925
		TOTAL FUNDS			3,632,925
TOTAL EXPENSES FOR GARVEE DEBT SERVICE					3,632,925
TOTAL ESTIMATED SOURCE OF FUNDS FOR GARVEE DEBT SERVICE					3,632,925
FEDERAL FUNDS					3,632,925
TOTAL FUNDS					3,632,925
CATEGORY:	04	TRANSPORTATION			
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION			
AGENCY:	096	TRANSPORTATION, DEPT OF			
ACTIVITY:	963515	CONSOLIDATED FEDERAL AID PROGRAM			
ORGANIZATION:	3054	CONSOLIDATED FEDERAL			
STRIKE OUT	400	Construction Repair Materials			109,188,964
INSERT IN PLACE THEREOF		INSERT IN PLACE THEREOF			100,188,964
STRIKE OUT	400	Construction Repair Materials			96,556,039
STRIKE OUT		TOTAL EXPENSES			151,165,646
INSERT IN PLACE THEREOF		INSERT IN PLACE THEREOF			147,532,721
		TOTAL EXPENSES			142,165,693
STRIKE OUT		STRIKE OUT			138,532,768
000		Federal Funds			137,936,880
INSERT IN PLACE THEREOF		INSERT IN PLACE THEREOF			146,693,836
000		Federal Funds			143,060,911
		TOTAL FUNDS			134,303,955

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION		
AGENCY:	096	TRANSPORTATION, DEPT OF		
ACTIVITY:	963515	CONSOLIDATED FEDERAL AID PROGRAM		
ORGANIZATION:	3054	CONSOLIDATED FEDERAL		
STRIKE OUT				
	TOTAL FUNDS		151,165,646	142,165,693
INSERT IN PLACE THEREOF				
	TOTAL FUNDS		147,532,721	138,532,768
	TOTAL EXPENSES FOR CONSOLIDATED FEDERAL		147,532,721	138,532,768
	TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSOLIDATED FEDERAL			
	FEDERAL FUNDS		143,060,911	134,303,955
	OTHER FUNDS		4,471,810	4,228,813
	TOTAL FUNDS		147,532,721	138,532,768
	TOTAL EXPENSES FOR CONSOLIDATED FEDERAL AID PROGRAM		151,165,646	142,165,693
	TOTAL ESTIMATED SOURCE OF FUNDS FOR CONSOLIDATED FEDERAL AID PROGRAM			
	FEDERAL FUNDS		146,693,836	137,936,880
	OTHER FUNDS		4,471,810	4,228,813
	TOTAL FUNDS		151,165,646	142,165,693
	TOTAL EXPENSES FOR TRANSPORTATION, DEPT OF		571,009,903	567,098,877
	TOTAL ESTIMATED SOURCE OF FUNDS FOR TRANSPORTATION, DEPT OF			
	FEDERAL FUNDS		186,561,807	175,525,694
	GENERAL FUND		961,025	965,021
	HIGHWAY FUNDS		226,208,069	222,236,591
	TURNPIKE FUNDS		109,029,899	120,473,851
	OTHER FUNDS		48,249,103	47,897,720
	TOTAL FUNDS		571,009,903	567,098,877

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	04	TRANSPORTATION	(CONT.)		
DEPARTMENT:	96	DEPARTMENT OF TRANSPORTATION	(CONT.)		
TOTAL EXPENSES FOR DEPARTMENT OF TRANSPORTATION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF TRANSPORTATION					
FEDERAL FUNDS				571,009,903	567,098,877
GENERAL FUND				186,561,807	175,525,694
HIGHWAY FUNDS				961,025	965,021
TURNPIKE FUNDS				226,208,069	222,236,591
OTHER FUNDS				109,029,899	120,473,851
TOTAL FUNDS				48,249,103	47,897,720
				571,009,903	567,098,877
TOTAL EXPENSES FOR TRANSPORTATION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR TRANSPORTATION					
FEDERAL FUNDS				571,009,903	567,098,877
GENERAL FUND				186,561,807	175,525,694
HIGHWAY FUNDS				961,025	965,021
TURNPIKE FUNDS				226,208,069	222,236,591
OTHER FUNDS				109,029,899	120,473,851
TOTAL FUNDS				48,249,103	47,897,720
				571,009,903	567,098,877
CATEGORY: 05 HEALTH AND SOCIAL SERVICES					
DEPARTMENT: 96 DEPT OF HEALTH AND HUMAN SVCS					
AGENCY: 040 HHS: CHILDREN AND YOUTH					
ACTIVITY: 403010 SERV FOR CHILD AND FAMILIES					
ORGANIZATION: 5855 CHILD - FAMILY SERVICES					
STRIKE OUT					
101	Medical Payments to Providers			511,779	501,721
INSERT IN PLACE THEREOF					
101	Medical Payments to Providers			530,245	524,431
STRIKE OUT					
108	Provider Payments-Legal Serv			48,037	0
INSERT IN PLACE THEREOF					
108	Provider Payments-Legal Serv			168,650	148,328

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	040	HHS: CHILDREN AND YOUTH	(CONT.)		
ACTIVITY:	403010	SERV FOR CHILD AND FAMILIES	(CONT.)		
ORGANIZATION:	5885	CHILD - FAMILY SERVICES	(CONT.)		
STRIKE OUT					
533	Foster Care Services			10,043,147	9,371,995
INSERT IN PLACE THEREOF					
533	Foster Care Services			11,240,251	10,844,178
STRIKE OUT					
534	Adoption Services			5,319,896	4,753,443
INSERT IN PLACE THEREOF					
534	Adoption Services			6,119,896	5,453,443
STRIKE OUT					
535	Out Of Home Placements			21,651,965	20,106,808
INSERT IN PLACE THEREOF					
535	Out Of Home Placements			24,089,757	23,047,989
STRIKE OUT					
550	Assessment And Counseling			134,868	133,581
INSERT IN PLACE THEREOF					
550	Assessment And Counseling			137,233	136,490
STRIKE OUT					
563	Community Based Services			8,965,251	8,675,640
INSERT IN PLACE THEREOF					
563	Community Based Services			9,496,910	9,329,468
STRIKE OUT					
TOTAL EXPENSES				46,721,624	43,590,735
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				51,829,623	49,531,884
STRIKE OUT					
000	Federal Funds			28,787,054	27,630,127
INSERT IN PLACE THEREOF					
000	Federal Funds			31,307,053	30,587,276
STRIKE OUT					
General Fund				15,368,619	13,489,238
INSERT IN PLACE THEREOF					
General Fund				17,956,619	16,473,238

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	040	HHS: CHILDREN AND YOUTH		
ACTIVITY:	403010	SERV FOR CHILD AND FAMILIES		
ORGANIZATION:	5855	CHILD - FAMILY SERVICES		
STRIKE OUT				
TOTAL FUNDS			46,721,624	43,590,735
INSERT IN PLACE THEREOF				
TOTAL FUNDS			51,829,623	49,531,884
TOTAL EXPENSES FOR CHILD - FAMILY SERVICES			51,829,623	49,531,884
TOTAL ESTIMATED SOURCE OF FUNDS FOR CHILD - FAMILY SERVICES				
FEDERAL FUNDS			31,307,053	30,587,276
GENERAL FUND			17,956,619	16,473,238
OTHER FUNDS			2,565,951	2,471,370
TOTAL FUNDS			51,829,623	49,531,884
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	040	HHS: CHILDREN AND YOUTH		
ACTIVITY:	403010	SERV FOR CHILD AND FAMILIES		
ORGANIZATION:	6040	DOMESTIC VIOLENCE PROGRAMS		
STRIKE OUT				
000 Federal Funds			896,131	896,131
INSERT IN PLACE THEREOF				
000 Federal Funds			1,046,131	1,046,131
STRIKE OUT			152,725	152,725
General Fund				
INSERT IN PLACE THEREOF			2,725	2,725
General Fund				
STRIKE OUT				
TOTAL FUNDS			1,401,131	1,401,131
INSERT IN PLACE THEREOF				
TOTAL FUNDS			1,401,131	1,401,131

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	041	HHS: JUVENILE JUSTICE SERV	(CONT.)		
ACTIVITY:	412010	YOUTH DEVELOPMENT CENTER	(CONT.)		
ORGANIZATION:	5811	CUSTODIAL CARE	(CONT.)		
STRIKE OUT	020	Current Expenses		132,567	136,618
INSERT IN PLACE THEREOF	020	Current Expenses		102,567	104,618
STRIKE OUT	021	Food Institutions		695,388	715,736
INSERT IN PLACE THEREOF	021	Food Institutions		417,388	425,736
STRIKE OUT	TOTAL EXPENSES			1,290,870	1,319,822
INSERT IN PLACE THEREOF	TOTAL EXPENSES			982,870	997,822
STRIKE OUT	General Fund			1,290,870	1,319,822
INSERT IN PLACE THEREOF	General Fund			982,870	997,822
STRIKE OUT	TOTAL FUNDS			1,290,870	1,319,822
INSERT IN PLACE THEREOF	TOTAL FUNDS			982,870	997,822
TOTAL EXPENSES FOR CUSTODIAL CARE				982,870	997,822
TOTAL ESTIMATED SOURCE OF FUNDS FOR CUSTODIAL CARE				982,870	997,822
GENERAL FUND				982,870	997,822
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	96	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	041	HHS: JUVENILE JUSTICE SERV	(CONT.)	
ACTIVITY:	412010	YOUTH DEVELOPMENT CENTER	(CONT.)	
			(CONT.)	
TOTAL EXPENSES FOR YOUTH DEVELOPMENT CENTER			12,713,165	12,802,111
TOTAL ESTIMATED SOURCE OF FUNDS FOR YOUTH DEVELOPMENT CENTER				
FEDERAL FUNDS			1,183	1,079
GENERAL FUND			12,084,564	12,211,938
OTHER FUNDS			627,418	589,084
TOTAL FUNDS			12,713,165	12,802,111
TOTAL EXPENSES FOR HHS: JUVENILE JUSTICE SERV			29,093,748	29,246,514
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS: JUVENILE JUSTICE SERV				
FEDERAL FUNDS			5,644,114	5,622,892
GENERAL FUND			22,593,973	22,782,941
OTHER FUNDS			855,661	840,681
TOTAL FUNDS			29,093,748	29,246,514
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	96	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	045	HHS: TRANSITIONAL ASSISTANCE		
ACTIVITY:	450010	DIV OF FAMILY ASSISTANCE		
ORGANIZATION:	6132	DFA FIELD OPERATIONS		
STRIKE OUT				
010 Personal Services-Perm. Classi			11,187,084	10,949,094
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi			11,295,424	11,059,089
STRIKE OUT				
060 Benefits			6,842,722	7,252,716
INSERT IN PLACE THEREOF				
060 Benefits			6,929,998	7,344,958
STRIKE OUT				
TOTAL EXPENSES			19,231,666	19,399,469
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			19,427,282	19,601,706

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	045		
ACTIVITY:	450010		
ORGANIZATION:	6132		
STRIKE OUT			
000 Federal Funds		9,272,992	9,345,403
INSERT IN PLACE THEREOF			
000 Federal Funds		9,364,012	9,439,504
STRIKE OUT		9,958,674	10,054,066
INSERT IN PLACE THEREOF			
General Fund		10,063,270	10,162,202
General Fund		19,231,666	19,399,469
STRIKE OUT			
TOTAL FUNDS			
INSERT IN PLACE THEREOF		19,427,282	19,601,706
TOTAL FUNDS			
TOTAL EXPENSES FOR DFA FIELD OPERATIONS		19,427,282	19,601,706
TOTAL ESTIMATED SOURCE OF FUNDS FOR DFA FIELD OPERATIONS			
FEDERAL FUNDS		9,364,012	9,439,504
GENERAL FUND		10,063,270	10,162,202
TOTAL FUNDS		19,427,282	19,601,706
TOTAL EXPENSES FOR DIV OF FAMILY ASSISTANCE		95,489,113	97,219,593
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV OF FAMILY ASSISTANCE			
FEDERAL FUNDS		38,150,635	39,245,919
GENERAL FUND		53,218,478	53,853,674
OTHER FUNDS		4,120,000	4,120,000
TOTAL FUNDS		95,489,113	97,219,593

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	045	HHS: TRANSITIONAL ASSISTANCE		
		(CONT.)		
		(CONT.)		
TOTAL EXPENSES FOR HHS: TRANSITIONAL ASSISTANCE			95,489,113	97,219,593
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS: TRANSITIONAL ASSISTANCE				
FEDERAL FUNDS			38,150,635	39,245,919
OTHER FUNDS			53,218,478	53,853,674
TOTAL FUNDS			4,120,000	4,120,000
			95,489,113	97,219,593
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	048	HHS: ELDERLY - ADULT SERVICES		
ACTIVITY:	481010	GRANTS TO LOCALS		
ORGANIZATION:	9255	SOCIAL SERVICES BLOCK GRANT		
STRIKE OUT	000	Federal Funds	5,059,000	4,969,000
INSERT IN PLACE THEREOF	000	Federal Funds	5,225,000	5,135,000
STRIKE OUT		General Fund	5,678,998	5,816,427
INSERT IN PLACE THEREOF		General Fund	5,512,998	5,650,427
STRIKE OUT		TOTAL FUNDS	10,737,998	10,785,427
INSERT IN PLACE THEREOF		TOTAL FUNDS	10,737,998	10,785,427
TOTAL EXPENSES FOR SOCIAL SERVICES BLOCK GRANT			10,737,998	10,785,427
TOTAL ESTIMATED SOURCE OF FUNDS FOR SOCIAL SERVICES BLOCK GRANT				
FEDERAL FUNDS			5,225,000	5,135,000
GENERAL FUND			5,512,998	5,650,427
TOTAL FUNDS			10,737,998	10,785,427

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	048		
ACTIVITY:	481010		
ORGANIZATION:	8920		
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS: ELDERLY - ADULT SERVICES			
GRANTS TO LOCALS			
MONEY FOLLOWS THE PERSON			
STRIKE OUT			
010 Personal Services-Perm. Classi		44,085	44,385
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		84,728	86,486
STRIKE OUT		5,000	5,000
020 Current Expenses			
INSERT IN PLACE THEREOF			
020 Current Expenses		8,500	8,550
STRIKE OUT		150	175
040 Indirect Costs			
INSERT IN PLACE THEREOF		175	175
040 Indirect Costs		172	177
STRIKE OUT			
041 Audit Fund Set Aside		969	973
INSERT IN PLACE THEREOF			
041 Audit Fund Set Aside		1,734	1,769
STRIKE OUT			
042 Additional Fringe Benefits			
INSERT IN PLACE THEREOF		1,769	1,769
042 Additional Fringe Benefits		24,465	26,127
STRIKE OUT			
060 Benefits			
INSERT IN PLACE THEREOF		46,600	48,126
060 Benefits		100	100
STRIKE OUT			
066 Employee Training			
INSERT IN PLACE THEREOF		2,850	100
066 Employee Training		4,000	4,000
STRIKE OUT			
070 In-State Travel Reimbursement			
INSERT IN PLACE THEREOF			
070 In-State Travel Reimbursement		8,000	7,583

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	048	HHS: ELDERLY - ADULT SERVICES		
ACTIVITY:	481010	GRANTS TO LOCALS		
ORGANIZATION:	8920	MONEY FOLLOWS THE PERSON		
STRIKE OUT				
080 Out-Of State Travel			2,500	2,750
INSERT IN PLACE THEREOF				
080 Out-Of State Travel			4,750	4,542
STRIKE OUT				
102 Contracts for program services			510,000	510,000
INSERT IN PLACE THEREOF				
102 Contracts for program services			810,000	810,000
STRIKE OUT				
TOTAL EXPENSES			597,306	599,583
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			973,441	973,404
STRIKE OUT				
000 Federal Funds			337,706	339,983
INSERT IN PLACE THEREOF				
000 Federal Funds			973,441	973,404
STRIKE OUT				
General Fund			259,600	259,600
STRIKE OUT				
TOTAL FUNDS			597,306	599,583
INSERT IN PLACE THEREOF				
TOTAL FUNDS			973,441	973,404
TOTAL EXPENSES FOR MONEY FOLLOWS THE PERSON				
TOTAL ESTIMATED SOURCE OF FUNDS FOR MONEY FOLLOWS THE PERSON				
FEDERAL FUNDS			973,441	973,404
TOTAL FUNDS			973,441	973,404

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 048	HHS: ELDERLY - ADULT SERVICES		
ACTIVITY: 481010	GRANTS TO LOCALS		
ORGANIZATION: 9565	SERVICELINK		
INSERT 020	Current Expenses	45,000	45,000
INSERT 102	Contracts for program services	532,000	532,000
INSERT	TOTAL EXPENSES	577,000	577,000
INSERT	General Fund	577,000	577,000
INSERT	TOTAL FUNDS	577,000	577,000
	TOTAL EXPENSES FOR SERVICELINK	577,000	577,000
	TOTAL ESTIMATED SOURCE OF FUNDS FOR SERVICELINK	577,000	577,000
	GENERAL FUND	577,000	577,000
	TOTAL FUNDS	577,000	577,000
	TOTAL EXPENSES FOR GRANTS TO LOCALS	30,271,022	29,727,048
	TOTAL ESTIMATED SOURCE OF FUNDS FOR GRANTS TO LOCALS	30,271,022	29,727,048
	FEDERAL FUNDS	19,443,932	19,040,426
	GENERAL FUND	10,827,090	10,686,622
	TOTAL FUNDS	30,271,022	29,727,048
	TOTAL EXPENSES FOR HHS: ELDERLY - ADULT SERVICES	413,482,388	424,313,432
	TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS: ELDERLY - ADULT SERVICES	413,482,388	424,313,432
	FEDERAL FUNDS	204,667,063	209,565,597
	GENERAL FUND	65,485,042	68,560,892
	OTHER FUNDS	143,330,283	146,186,943
	TOTAL FUNDS	413,482,388	424,313,432

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05 HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95 DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	090 HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY:	900510 BUREAU OF PUBLIC HEALTH STATISTICS AND INF		
ORGANIZATION:	5180 HEALTH STATISTICS		
STRIKE OUT	010 Personal Services-Perm. Classi	332,917	329,044
INSERT IN PLACE THEREOF	010 Personal Services-Perm. Classi		
STRIKE OUT	019 Holiday Pay	209,857	207,910
STRIKE OUT	020 Current Expenses	400	0
INSERT IN PLACE THEREOF	020 Current Expenses		
STRIKE OUT	030 Equipment New/Replacement	16,509	16,209
INSERT IN PLACE THEREOF	030 Equipment New/Replacement		
STRIKE OUT	041 Audit Fund Set Aside	6,209	6,209
INSERT IN PLACE THEREOF	041 Audit Fund Set Aside	785	1,775
STRIKE OUT	042 Additional Fringe Benefits	785	775
INSERT IN PLACE THEREOF	042 Additional Fringe Benefits	1,257	1,252
STRIKE OUT	050 Personal Service-Temp/Appointe	73	73
STRIKE OUT	060 Benefits	14,848	14,643
INSERT IN PLACE THEREOF	060 Benefits		
STRIKE OUT	067 Training of Providers	2,825	2,807
		2,000	2,000
		157,324	165,708
		108,558	114,976
		3,700	3,700

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH	(CONT.)		
ACTIVITY:	900510	BUREAU OF PUBLIC HEALTH STATISTICS AND INF	(CONT.)		
ORGANIZATION:	5150	HEALTH STATISTICS	(CONT.)		
STRIKE OUT					
070	In-State Travel Reimbursement			725	1,025
INSERT IN PLACE THEREOF					
070	In-State Travel Reimbursement			425	425
STRIKE OUT					
080	Out-Of State Travel			10,917	12,917
INSERT IN PLACE THEREOF					
080	Out-Of State Travel			917	917
STRIKE OUT					
102	Contracts for program services			719,370	719,370
INSERT IN PLACE THEREOF					
102	Contracts for program services			119,000	119,000
STRIKE OUT					
519	BRFSS-Behavior Risk Factor			528,667	508,269
STRIKE OUT					
601	State Fund Match			150,000	150,000
STRIKE OUT					
TOTAL EXPENSES				2,062,150	2,048,643
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				571,380	575,823
STRIKE OUT					
000	Federal Funds			1,380,648	1,374,732
INSERT IN PLACE THEREOF					
000	Federal Funds			159,814	163,362
STRIKE OUT					
005	Private Local Funds			114,000	114,000
STRIKE OUT					
General Fund				531,502	523,911
INSERT IN PLACE THEREOF					
General Fund				375,566	376,461
STRIKE OUT					
TOTAL FUNDS				2,062,150	2,048,643
INSERT IN PLACE THEREOF					
TOTAL FUNDS				571,380	575,823

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH			
ACTIVITY:	900510	BUREAU OF PUBLIC HEALTH STATISTICS AND INF			
ORGANIZATION:	5150	HEALTH STATISTICS			
TOTAL EXPENSES FOR HEALTH STATISTICS		571,380	575,823		
TOTAL ESTIMATED SOURCE OF FUNDS FOR HEALTH STATISTICS					
FEDERAL FUNDS					
GENERAL FUND		159,814	163,362		
OTHER FUNDS		375,566	376,461		
TOTAL FUNDS		36,000	36,000		
		571,380	575,823		
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH			
ACTIVITY:	900510	BUREAU OF PUBLIC HEALTH STATISTICS AND INF			
ORGANIZATION:	5173	EPH TRACKING			
STRIKE OUT		586	606		
041 Audit Fund Set Aside					
INSERT IN PLACE THEREOF					
041 Audit Fund Set Aside		640	606		
STRIKE OUT		219,680	234,104		
102 Contracts for program services					
INSERT IN PLACE THEREOF					
102 Contracts for program services		273,420	234,104		
STRIKE OUT		581,458	600,029		
TOTAL EXPENSES		635,252	600,029		
INSERT IN PLACE THEREOF					
STRIKE OUT		581,458	600,029		
000 Federal Funds					
INSERT IN PLACE THEREOF					
000 Federal Funds		635,252	600,029		

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES (CONT.)		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS (CONT.)		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH (CONT.)		
ACTIVITY: 900510	BUREAU OF PUBLIC HEALTH STATISTICS AND INF (CONT.)		
ORGANIZATION: 5173	EPH TRACKING (CONT.)		
STRIKE OUT			
TOTAL FUNDS		581,458	600,029
INSERT IN PLACE THEREOF			
TOTAL FUNDS		635,252	600,029
TOTAL EXPENSES FOR EPH TRACKING			
TOTAL ESTIMATED SOURCE OF FUNDS FOR EPH TRACKING			
FEDERAL FUNDS			
TOTAL FUNDS		635,252	600,029
		635,252	600,029
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 900510	BUREAU OF PUBLIC HEALTH STATISTICS AND INF		
ORGANIZATION: 9058	NIOSH RESEARCH GRANT		
STRIKE OUT			
102 Contracts for program services		40,000	40,000
INSERT IN PLACE THEREOF			
102 Contracts for program services		65,000	65,000
STRIKE OUT			
TOTAL EXPENSES		50,050	50,050
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		75,050	75,050
INSERT			
005 Private Local Funds		25,000	25,000
STRIKE OUT			
TOTAL FUNDS		50,050	50,050
INSERT IN PLACE THEREOF			
TOTAL FUNDS		75,050	75,050

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05 HEALTH AND SOCIAL SERVICES (CONT.)		
DEPARTMENT:	95 DEPT OF HEALTH AND HUMAN SVCS (CONT.)		
AGENCY:	090 HHS: DIVISION OF PUBLIC HEALTH (CONT.)		
ACTIVITY:	900510 BUREAU OF PUBLIC HEALTH STATISTICS AND INF (CONT.)		
ORGANIZATION:	9058 NIOSH RESEARCH GRANT (CONT.)		
TOTAL EXPENSES FOR NIOSH RESEARCH GRANT		75,050	75,050
TOTAL ESTIMATED SOURCE OF FUNDS FOR NIOSH RESEARCH GRANT			
FEDERAL FUNDS		50,050	50,050
OTHER FUNDS		25,000	25,000
TOTAL FUNDS		75,050	75,050
CATEGORY:	05 HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95 DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	090 HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY:	900510 BUREAU OF PUBLIC HEALTH STATISTICS AND INF		
ORGANIZATION:	8666 CANCER REGISTRY		
INSERT	010 Personal Services-Perm. Classi	62,896	60,567
INSERT	019 Holiday Pay	200	0
INSERT	020 Current Expenses	300	300
INSERT	030 Equipment New/Replacement	8,000	0
INSERT	041 Audit Fund Set Aside	737	625
INSERT	042 Additional Fringe Benefits	5,926	5,908
INSERT	060 Benefits	20,991	21,384
INSERT	070 In-State Travel Reimbursement	200	500
INSERT	080 Out-Of State Travel	5,000	5,000
INSERT	102 Contracts for program services	597,770	597,770

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	090		
ACTIVITY:	900510		
ORGANIZATION:	8666		
INSERT	601 State Fund Match	150,000	150,000
INSERT	TOTAL EXPENSES	852,020	842,054
INSERT	000 Federal Funds	688,086	694,604
INSERT	005 Private Local Funds	8,000	0
INSERT	General Fund	155,934	147,450
INSERT	TOTAL FUNDS	852,020	842,054
TOTAL EXPENSES FOR CANCER REGISTRY			
TOTAL ESTIMATED SOURCE OF FUNDS FOR CANCER REGISTRY			
FEDERAL FUNDS			
GENERAL FUNDS			
OTHER FUNDS			
TOTAL FUNDS			
		688,086	694,604
		155,934	147,450
		8,000	0
		852,020	842,054
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS: DIVISION OF PUBLIC HEALTH			
BUREAU OF PUBLIC HEALTH STATISTICS AND INF			
CANCER REGISTRY			
INSERT	010 Personal Services-Perm. Classi	60,163	60,567
INSERT	019 Holiday Pay	200	0
INSERT	020 Current Expenses	10,000	9,700

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES (CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS (CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH (CONT.)		
ACTIVITY:	900510	BUREAU OF PUBLIC HEALTH STATISTICS AND INF (CONT.)		
ORGANIZATION:	8687	BRFS (CONT.)		
INSERT				
030	Equipment New/Replacement		0	1,000
INSERT				
041	Audit Fund Set Aside		573	554
INSERT				
042	Additional Fringe Benefits		6,097	5,928
INSERT				
050	Personal Service-Temp/Appointe		2,000	2,000
INSERT				
060	Benefits		27,775	29,348
INSERT				
067	Training of Providers		3,700	3,700
INSERT				
070	In-State Travel Reimbursement		100	100
INSERT				
080	Out-Of State Travel		5,000	7,000
INSERT				
102	Contracts for program services		2,600	2,600
INSERT				
519	BRFSS-Behavior Risk Factor		528,667	508,269
INSERT				
	TOTAL EXPENSES		646,875	630,766
INSERT				
000	Federal Funds		532,875	516,766
INSERT				
005	Private Local Funds		114,000	114,000
INSERT				
	TOTAL FUNDS		646,875	630,766

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	090		
ACTIVITY:	900510		
ORGANIZATION:	8687		
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS: DIVISION OF PUBLIC HEALTH			
BUREAU OF PUBLIC HEALTH STATISTICS AND INF			
BRFS			
TOTAL EXPENSES FOR BRFS		646,875	630,766
TOTAL ESTIMATED SOURCE OF FUNDS FOR BRFS			
FEDERAL FUNDS		532,875	516,766
OTHER FUNDS		114,000	114,000
TOTAL FUNDS		646,875	630,766
TOTAL EXPENSES FOR BUREAU OF PUBLIC HEALTH STATISTICS AND INFORMATICS		3,210,665	3,153,014
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUREAU OF PUBLIC HEALTH STATISTICS AND IN			
FEDERAL FUNDS		2,296,783	2,296,358
GENERAL FUND		680,382	671,156
OTHER FUNDS		233,500	225,500
TOTAL FUNDS		3,210,665	3,153,014
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS: DIVISION OF PUBLIC HEALTH			
BUREAU OF PUBLIC HEALTH SYSTEMS, POLICY &			
HOSPITAL FLEX PROGRAM			
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	090		
ACTIVITY:	901010		
ORGANIZATION:	2218		
STRIKE OUT			
041 Audit Fund Set Aside		398	396
INSERT IN PLACE THEREOF			
041 Audit Fund Set Aside		439	396
STRIKE OUT			
102 Contracts for program services		264,436	260,588
INSERT IN PLACE THEREOF			
102 Contracts for program services		305,495	260,588
STRIKE OUT			
TOTAL EXPENSES		396,475	393,689
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		437,575	393,689

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH	(CONT.)		
ACTIVITY:	901010	BUREAU OF PUBLIC HEALTH SYSTEMS, POLICY &	(CONT.)		
ORGANIZATION:	2218	HOSPITAL FLEX PROGRAM	(CONT.)		
STRIKE OUT				396,475	393,689
000 Federal Funds					
INSERT IN PLACE THEREOF					
000 Federal Funds				437,575	393,689
STRIKE OUT					
TOTAL FUNDS				396,475	393,689
INSERT IN PLACE THEREOF					
TOTAL FUNDS				437,575	393,689
TOTAL EXPENSES FOR HOSPITAL FLEX PROGRAM				437,575	393,689
TOTAL ESTIMATED SOURCE OF FUNDS FOR HOSPITAL FLEX PROGRAM				437,575	393,689
FEDERAL FUNDS				437,575	393,689
TOTAL FUNDS					
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH			
ACTIVITY:	901010	BUREAU OF PUBLIC HEALTH SYSTEMS, POLICY &			
ORGANIZATION:	5997	Strengthening PH Infrastructure			
STRIKE OUT					
020 Current Expenses				3,598	3,753
INSERT IN PLACE THEREOF					
020 Current Expenses				8,598	3,753
STRIKE OUT				131	129
041 Audit Fund Set Aside					
INSERT IN PLACE THEREOF					
041 Audit Fund Set Aside				260	129
STRIKE OUT					
070 In-State Travel Reimbursement				500	500
INSERT IN PLACE THEREOF					
070 In-State Travel Reimbursement				1,000	500

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH	(CONT.)		
ACTIVITY:	901010	BUREAU OF PUBLIC HEALTH SYSTEMS, POLICY &	(CONT.)		
ORGANIZATION:	5997	Strengthening PH Infrastructure	(CONT.)		
STRIKE OUT					
080	Out-Of State Travel			2,500	2,500
INSERT IN PLACE THEREOF					
080	Out-Of State Travel			5,000	2,500
STRIKE OUT					
102	Contracts for program services			25,191	23,898
INSERT IN PLACE THEREOF					
102	Contracts for program services			138,226	23,898
STRIKE OUT					
TOTAL EXPENSES				130,973	128,617
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				252,137	128,617
STRIKE OUT					
000	Federal Funds			130,973	128,617
INSERT IN PLACE THEREOF					
000	Federal Funds			252,137	128,617
STRIKE OUT					
TOTAL FUNDS				130,973	128,617
INSERT IN PLACE THEREOF					
TOTAL FUNDS				252,137	128,617
TOTAL EXPENSES FOR Strengthening PH Infrastructure				252,137	128,617
TOTAL ESTIMATED SOURCE OF FUNDS FOR Strengthening PH Infrastructure				252,137	128,617
FEDERAL FUNDS				252,137	128,617
TOTAL FUNDS				252,137	128,617

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES (CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS (CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH (CONT.)		
ACTIVITY:	901010	BUREAU OF PUBLIC HEALTH SYSTEMS, POLICY & (CONT.)		
TOTAL EXPENSES FOR BUREAU OF PUBLIC HEALTH SYSTEMS, POLICY & PERFORMANCE			2,687,312	2,517,394
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUREAU OF PUBLIC HEALTH SYSTEMS, POLICY				
FEDERAL FUNDS			1,457,998	1,290,709
GENERAL FUND			1,100,118	1,100,726
OTHER FUNDS			129,196	125,959
TOTAL FUNDS			2,687,312	2,517,394
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY:	901510	BUREAU OF PUBLIC HEALTH PROTECTION		
ORGANIZATION:	5497	CHILDHOOD LEAD		
STRIKE OUT			657	653
041 Audit Fund Set Aside				
INSERT IN PLACE THEREOF				
041 Audit Fund Set Aside			897	893
STRIKE OUT			60,800	60,800
102 Contracts for program services				
INSERT IN PLACE THEREOF				
102 Contracts for program services			300,600	300,600
STRIKE OUT				
TOTAL EXPENSES			1,053,542	1,049,142
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			1,293,582	1,289,182
STRIKE OUT			569,746	563,649
000 Federal Funds				
INSERT IN PLACE THEREOF			809,786	803,689
000 Federal Funds				
STRIKE OUT				
TOTAL FUNDS			1,053,542	1,049,142
INSERT IN PLACE THEREOF				
TOTAL FUNDS			1,293,582	1,289,182

State of New Hampshire

AMENDMENTS TO HB 0001

CATEGORY: 05 HEALTH AND SOCIAL SERVICES
DEPARTMENT: 95 DEPT OF HEALTH AND HUMAN SVCS
AGENCY: 090 HHS: DIVISION OF PUBLIC HEALTH
ACTIVITY: 901510 BUREAU OF PUBLIC HEALTH PROTECTION
ORGANIZATION: 5497 CHILDHOOD LEAD

(CONT.)
(CONT.)
(CONT.)
(CONT.)

FISCAL YEAR 2012

FISCAL YEAR 2013

TOTAL EXPENSES FOR CHILDHOOD LEAD

TOTAL ESTIMATED SOURCE OF FUNDS FOR CHILDHOOD LEAD

FEDERAL FUNDS
GENERAL FUND
TOTAL FUNDS

1,293,582
809,786
483,796
1,289,182

CATEGORY: 05 HEALTH AND SOCIAL SERVICES
DEPARTMENT: 95 DEPT OF HEALTH AND HUMAN SVCS
AGENCY: 090 HHS: DIVISION OF PUBLIC HEALTH
ACTIVITY: 901510 BUREAU OF PUBLIC HEALTH PROTECTION
ORGANIZATION: 5667 CHRONIC DISEASE - ASTHMA

STRIKE OUT

041 Audit Fund Set Aside
INSERT IN PLACE THEREOF
041 Audit Fund Set Aside

447

STRIKE OUT

070 In-State Travel Reimbursement
INSERT IN PLACE THEREOF

477

070 In-State Travel Reimbursement

2,200

STRIKE OUT

080 Out-Of State Travel
INSERT IN PLACE THEREOF

2,200

080 Out-Of State Travel

8,500

STRIKE OUT

102 Contracts for program services
INSERT IN PLACE THEREOF

8,500

102 Contracts for program services

195,451

STRIKE OUT

TOTAL EXPENSES
INSERT IN PLACE THEREOF

225,451

TOTAL EXPENSES

459,613

549,208

Prepared By: Office of Legislative Budget Assistant
Run Time: 5/26/2011 6:20:10PM

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY:	901510	BUREAU OF PUBLIC HEALTH PROTECTION		
ORGANIZATION:	5567	CHRONIC DISEASE - ASTHMA		
STRIKE OUT			448,092	443,532
000 Federal Funds				
INSERT IN PLACE THEREOF			533,119	473,562
000 Federal Funds				
STRIKE OUT			464,181	459,613
TOTAL FUNDS			549,208	489,643
INSERT IN PLACE THEREOF				
TOTAL FUNDS				
TOTAL EXPENSES FOR CHRONIC DISEASE - ASTHMA			549,208	489,643
TOTAL ESTIMATED SOURCE OF FUNDS FOR CHRONIC DISEASE - ASTHMA				
FEDERAL FUNDS			533,119	473,562
GENERAL FUND			16,089	16,081
TOTAL FUNDS			549,208	489,643
TOTAL EXPENSES FOR BUREAU OF PUBLIC HEALTH PROTECTION			4,945,818	4,802,672
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUREAU OF PUBLIC HEALTH PROTECTION				
FEDERAL FUNDS			1,472,985	1,404,314
GENERAL FUND			1,555,737	1,481,250
OTHER FUNDS			1,917,096	1,917,108
TOTAL FUNDS			4,945,818	4,802,672
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY:	902010	BUREAU OF POPULATION HEALTH & COMMUNITY		
ORGANIZATION:	5190	MATERNAL - CHILD HEALTH		

State of New Hampshire

AMENDMENTS TO
HB 0001

			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH	(CONT.)		
ACTIVITY: 902010	BUREAU OF POPULATION HEALTH & COMMUNITY	(CONT.)		
ORGANIZATION: 5190	MATERNAL - CHILD HEALTH	(CONT.)		
STRIKE OUT				
102 Contracts for program services			3,534,527	3,508,761
INSERT IN PLACE THEREOF				
102 Contracts for program services			3,709,527	3,683,761
STRIKE OUT				
INSERT IN PLACE THEREOF			4,854,119	4,819,322
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			5,029,119	4,994,322
TOTAL EXPENSES			3,063,431	2,981,420
STRIKE OUT				
INSERT IN PLACE THEREOF	General Fund		3,238,431	3,156,420
STRIKE OUT	General Fund			
INSERT IN PLACE THEREOF			4,854,119	4,819,322
STRIKE OUT				
INSERT IN PLACE THEREOF			5,029,119	4,994,322
TOTAL FUNDS				
TOTAL FUNDS			5,029,119	4,994,322
TOTAL EXPENSES FOR MATERNAL - CHILD HEALTH				
TOTAL ESTIMATED SOURCE OF FUNDS FOR MATERNAL - CHILD HEALTH				
FEDERAL FUNDS			1,790,688	1,837,902
GENERAL FUND			3,238,431	3,156,420
TOTAL FUNDS			5,029,119	4,994,322
CATEGORY: 05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH			
ACTIVITY: 902010	BUREAU OF POPULATION HEALTH & COMMUNITY			
ORGANIZATION: 5194	CHILD HEALTH SERVICES			
INSERT				
102 Contracts for program services			75,000	75,000
INSERT				
TOTAL EXPENSES			75,000	75,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH	(CONT.)		
ACTIVITY:	902010	BUREAU OF POPULATION HEALTH & COMMUNITY	(CONT.)		
ORGANIZATION:	5194	CHILD HEALTH SERVICES	(CONT.)		
INSERT		General Fund		75,000	75,000
INSERT		TOTAL FUNDS		75,000	75,000
TOTAL EXPENSES FOR CHILD HEALTH SERVICES				75,000	75,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR CHILD HEALTH SERVICES				75,000	75,000
GENERAL FUND				75,000	75,000
TOTAL FUNDS				75,000	75,000
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH			
ACTIVITY:	902010	BUREAU OF POPULATION HEALTH & COMMUNITY			
ORGANIZATION:	5608	TOBACCO PREVENTION FEDERAL			
STRIKE OUT		010 Personal Services-Perm. Classi		364,715	356,599
INSERT IN PLACE THEREOF		010 Personal Services-Perm. Classi		320,631	312,214
STRIKE OUT		060 Benefits		182,583	192,932
INSERT IN PLACE THEREOF		060 Benefits		156,985	165,397
STRIKE OUT		TOTAL EXPENSES		874,085	876,080
INSERT IN PLACE THEREOF		TOTAL EXPENSES		804,403	804,160
STRIKE OUT		000 Federal Funds		874,085	861,079
INSERT IN PLACE THEREOF		000 Federal Funds		804,403	789,159

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 902010	BUREAU OF POPULATION HEALTH & COMMUNITY		
ORGANIZATION: 5606	TOBACCO PREVENTION FEDERAL		
STRIKE OUT			
TOTAL FUNDS		874,085	876,080
INSERT IN PLACE THEREOF			
TOTAL FUNDS		804,403	804,160
TOTAL EXPENSES FOR TOBACCO PREVENTION FEDERAL			
TOTAL ESTIMATED SOURCE OF FUNDS FOR TOBACCO PREVENTION FEDERAL			
FEDERAL FUNDS		804,403	789,159
OTHER FUNDS		0	15,001
TOTAL FUNDS		804,403	804,160
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 902010	BUREAU OF POPULATION HEALTH & COMMUNITY		
ORGANIZATION: 1844	FED NHPREP GRANT		
INSERT			
020 Current Expenses		400	400
INSERT			
041 Audit Fund Set Aside		250	250
INSERT			
070 In-State Travel Reimbursement		500	500
INSERT			
080 Out-Of State Travel		6,000	6,000
INSERT			
102 Contracts for program services		242,850	242,850
INSERT			
TOTAL EXPENSES		250,000	250,000
INSERT			
000 Federal Funds		250,000	250,000

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES (CONT.)		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS (CONT.)		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH (CONT.)		
ACTIVITY: 902010	BUREAU OF POPULATION HEALTH & COMMUNITY (CONT.)		
ORGANIZATION: 1844	FED NHPREP GRANT (CONT.)		
INSERT		250,000	250,000
TOTAL FUNDS			
TOTAL EXPENSES FOR FED NHPREP GRANT		250,000	250,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR FED NHPREP GRANT		250,000	250,000
FEDERAL FUNDS		250,000	250,000
TOTAL FUNDS			
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 902010	BUREAU OF POPULATION HEALTH & COMMUNITY		
ORGANIZATION: 8662	TPCP MEDIA GRANT		
INSERT			
041	Audit Fund Set Aside	57	57
STRIKE OUT			
042	Additional Fringe Benefits	57	57
STRIKE OUT			
TOTAL EXPENSES		56,815	56,815
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		56,815	56,815
TOTAL EXPENSES FOR TPCP MEDIA GRANT		56,815	56,815
TOTAL ESTIMATED SOURCE OF FUNDS FOR TPCP MEDIA GRANT		56,815	56,815
FEDERAL FUNDS		56,815	56,815
TOTAL FUNDS			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH	(CONT.)		
ACTIVITY:	902010	BUREAU OF POPULATION HEALTH & COMMUNITY	(CONT.)		
TOTAL EXPENSES FOR BUREAU OF POPULATION HEALTH & COMMUNITY SERVICES				32,775,436	32,694,877
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUREAU OF POPULATION HEALTH & COMMUNITY					
FEDERAL FUNDS				22,584,032	22,595,371
GENERAL FUND				4,292,433	4,144,719
OTHER FUNDS				5,898,971	5,954,787
TOTAL FUNDS				32,775,436	32,694,877
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH			
ACTIVITY:	902510	BUREAU OF INFECTIOUS DISEASE CONTROL			
ORGANIZATION:	5171	EMERGENCY PREPAREDNESS			
STRIKE OUT					
010 Personal Services-Perm. Classi				1,747,746	1,674,602
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				1,887,088	1,808,839
INSERT					
059 Temp Full Time				39,465	41,051
STRIKE OUT					
060 Benefits				885,748	869,161
INSERT IN PLACE THEREOF					
060 Benefits				939,338	945,490
STRIKE OUT					
TOTAL EXPENSES				5,964,473	5,969,901
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				6,216,870	6,221,518
STRIKE OUT					
000 Federal Funds				5,130,077	5,196,542
INSERT IN PLACE THEREOF					
000 Federal Funds				5,382,474	5,448,159

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 902510	BUREAU OF INFECTIOUS DISEASE CONTROL		
ORGANIZATION: 5171	EMERGENCY PREPAREDNESS		
STRIKE OUT			
TOTAL FUNDS		5,964,473	5,969,901
INSERT IN PLACE THEREOF			
TOTAL FUNDS		6,216,870	6,221,518
TOTAL EXPENSES FOR EMERGENCY PREPAREDNESS		6,216,870	6,221,518
TOTAL ESTIMATED SOURCE OF FUNDS FOR EMERGENCY PREPAREDNESS			
FEDERAL FUNDS		5,382,474	5,448,159
GENERAL FUND		834,396	773,359
TOTAL FUNDS		6,216,870	6,221,518
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 902510	BUREAU OF INFECTIOUS DISEASE CONTROL		
ORGANIZATION: 5174	MOSQUITO CONTROL FUND		
STRIKE OUT			
073 Grants-Non Federal		1	1
INSERT			
548 Reagents		60,000	60,000
STRIKE OUT			
TOTAL EXPENSES		1	1
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		60,000	60,000
STRIKE OUT			
General Fund		1	1
INSERT IN PLACE THEREOF			
General Fund		60,000	60,000
STRIKE OUT			
TOTAL FUNDS		1	1
INSERT IN PLACE THEREOF			
TOTAL FUNDS		60,000	60,000

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 902510	BUREAU OF INFECTIOUS DISEASE CONTROL		
ORGANIZATION: 5174	MOSQUITO CONTROL FUND		
		60,000	60,000
	TOTAL EXPENSES FOR MOSQUITO CONTROL FUND		
	TOTAL ESTIMATED SOURCE OF FUNDS FOR MOSQUITO CONTROL FUND		
	GENERAL FUND	60,000	60,000
	TOTAL FUNDS	60,000	60,000
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY: 902510	BUREAU OF INFECTIOUS DISEASE CONTROL		
ORGANIZATION: 5170	DISEASE CONTROL		
	STRIKE OUT		
	010 Personal Services-Perm. Classi	608,617	591,300
	INSERT IN PLACE THEREOF		
	010 Personal Services-Perm. Classi	733,322	716,005
	STRIKE OUT		
	012 Personal Services-Unclassified 2	124,705	124,705
	STRIKE OUT		
	TOTAL EXPENSES	1,696,455	1,706,933
	INSERT IN PLACE THEREOF		
	TOTAL EXPENSES	1,696,455	1,706,933
	TOTAL EXPENSES FOR DISEASE CONTROL	1,696,455	1,706,933
	TOTAL ESTIMATED SOURCE OF FUNDS FOR DISEASE CONTROL		
	FEDERAL FUNDS	823,550	872,721
	GENERAL FUND	872,905	834,212
	TOTAL FUNDS	1,696,455	1,706,933

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	090		
ACTIVITY:	902510		
ORGANIZATION:	5179		
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS: DIVISION OF PUBLIC HEALTH			
BUREAU OF INFECTIOUS DISEASE CONTROL			
HOSP ACQUIRED INFECTIONS			
STRIKE OUT			
005 Private Local Funds		-68,549	-70,511
STRIKE OUT			
009 Agency Income		168,788	169,299
INSERT IN PLACE THEREOF			
009 Agency Income		100,239	98,788
STRIKE OUT			
TOTAL FUNDS		100,239	98,788
INSERT IN PLACE THEREOF			
TOTAL FUNDS		100,239	98,788
TOTAL EXPENSES FOR HOSP ACQUIRED INFECTIONS			
TOTAL ESTIMATED SOURCE OF FUNDS FOR HOSP ACQUIRED INFECTIONS			
OTHER FUNDS		100,239	98,788
TOTAL FUNDS		100,239	98,788
TOTAL EXPENSES FOR HOSP ACQUIRED INFECTIONS			
TOTAL ESTIMATED SOURCE OF FUNDS FOR HOSP ACQUIRED INFECTIONS			
OTHER FUNDS		100,239	98,788
TOTAL FUNDS		100,239	98,788
TOTAL EXPENSES FOR BUREAU OF INFECTIOUS DISEASE CONTROL			
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUREAU OF INFECTIOUS DISEASE CONTROL			
FEDERAL FUNDS		39,958,243	40,281,329
GENERAL FUND		14,566,081	14,919,718
OTHER FUNDS		3,030,822	3,001,419
TOTAL FUNDS		22,361,340	22,360,192
TOTAL FUNDS		39,958,243	40,281,329
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS: DIVISION OF PUBLIC HEALTH			
BUREAU OF LABORATORY SERVICES			
WATER ANALYSIS LAB			
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	090		
ACTIVITY:	903010		
ORGANIZATION:	1877		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH	(CONT.)		
ACTIVITY:	903010	BUREAU OF LABORATORY SERVICES	(CONT.)		
ORGANIZATION:	1877	WATER ANALYSIS LAB	(CONT.)		
STRIKE OUT				1,046,192	1,017,986
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF				1,015,016	987,098
010 Personal Services-Perm. Classi					
STRIKE OUT				487,047	509,599
060 Benefits					
INSERT IN PLACE THEREOF				479,867	502,445
060 Benefits					
STRIKE OUT				2,277,290	2,290,517
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				2,238,934	2,252,475
TOTAL EXPENSES				1,902,109	1,915,639
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF				1,863,753	1,877,597
General Fund					
STRIKE OUT				2,277,290	2,290,517
TOTAL FUNDS					
INSERT IN PLACE THEREOF				2,238,934	2,252,475
TOTAL FUNDS					
TOTAL EXPENSES FOR WATER ANALYSIS LAB				2,238,934	2,252,475
TOTAL ESTIMATED SOURCE OF FUNDS FOR WATER ANALYSIS LAB					
GENERAL FUND				1,863,753	1,877,597
OTHER FUNDS				375,181	374,878
TOTAL FUNDS				2,238,934	2,252,475

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	090	HHS: DIVISION OF PUBLIC HEALTH		
ACTIVITY:	903010	BUREAU OF LABORATORY SERVICES		
TOTAL EXPENSES FOR BUREAU OF LABORATORY SERVICES			8,897,100	8,844,369
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUREAU OF LABORATORY SERVICES				
FEDERAL FUNDS			3,176,335	3,130,658
GENERAL FUND			4,969,334	4,382,320
OTHER FUNDS			1,351,431	1,331,391
TOTAL FUNDS			8,897,100	8,844,369
TOTAL EXPENSES FOR HHS: DIVISION OF PUBLIC HEALTH			96,243,678	95,718,512
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS: DIVISION OF PUBLIC HEALTH				
FEDERAL FUNDS			47,014,745	46,689,131
GENERAL FUND			16,843,967	16,622,598
OTHER FUNDS			32,384,966	32,406,783
TOTAL FUNDS			96,243,678	95,718,512
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	092	HHS:BEHAVIORAL HEALTH-DIV OF		
ACTIVITY:	920010	DIV OF BEHAVIORAL HEALTH		
ORGANIZATION:	7877	OFFICE OF DIRECTOR		
STRIKE OUT			3,141	3,204
020 Current Expenses				
INSERT IN PLACE THEREOF				
020 Current Expenses			29,141	29,704
STRIKE OUT			26,000	26,500
049 Transfer to Other State Agencies				
STRIKE OUT			238,115	236,291
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			238,115	236,291
TOTAL EXPENSES				

State of New Hampshire

AMENDMENTS TO HB 0001

				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	092	HHS:BEHAVIORAL HEAL TH- DIV OF	(CONT.)		
ACTIVITY:	920010	DIV OF BEHAVIORAL HEALTH	(CONT.)		
ORGANIZATION:	7877	OFFICE OF DIRECTOR	(CONT.)		
TOTAL EXPENSES FOR OFFICE OF DIRECTOR				238,115	236,291
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF DIRECTOR					
FEDERAL FUNDS				65,881	65,555
GENERAL FUND				172,234	170,736
TOTAL FUNDS				238,115	236,291
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	092	HHS:BEHAVIORAL HEAL TH- DIV OF			
ACTIVITY:	920010	DIV OF BEHAVIORAL HEALTH			
ORGANIZATION:	7010	COMMUNITY MENTAL HEALTH SVCS			
STRIKE OUT				83,494,924	
502 Payments To Providers					
INSERT IN PLACE THEREOF				76,364,988	
502 Payments To Providers					
STRIKE OUT				97,364,988	
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				76,390,586	
TOTAL EXPENSES					
STRIKE OUT				97,390,586	
000 Federal Funds					
INSERT IN PLACE THEREOF				38,208,087	
000 Federal Funds					
STRIKE OUT				41,777,500	
General Fund					
INSERT IN PLACE THEREOF				48,708,087	
General Fund					
STRIKE OUT				38,182,499	
TOTAL FUNDS					
INSERT IN PLACE THEREOF				48,682,499	
TOTAL FUNDS					
STRIKE OUT				76,390,586	
INSERT IN PLACE THEREOF					
TOTAL FUNDS				97,390,586	

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	092	HHS:BEHAVIORAL HEALTH- DIV OF		
ACTIVITY:	920010	DIV OF BEHAVIORAL HEALTH		
ORGANIZATION:	7010	COMMITY MENTAL HEALTH SVCS		
TOTAL EXPENSES FOR COMMITY MENTAL HEALTH SVCS			97,390,586	98,724,962
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMITY MENTAL HEALTH SVCS				
FEDERAL FUNDS			48,708,087	49,377,500
GENERAL FUND			48,682,499	49,347,462
TOTAL FUNDS			97,390,586	98,724,962
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	092	HHS:BEHAVIORAL HEALTH- DIV OF		
ACTIVITY:	920010	DIV OF BEHAVIORAL HEALTH		
ORGANIZATION:	5946	WE Invision Grant		
STRIKE OUT	030	Equipment New/Replacement	11,000	0
STRIKE OUT	041	Audit Fund Set Aside	1,220	1,209
STRIKE OUT	070	In-State Travel Reimbursement	1,000	1,000
STRIKE OUT	080	Out-Of State Travel	6,465	6,465
STRIKE OUT	102	Contracts for program services	1,200,000	1,200,000
TOTAL EXPENSES			1,219,685	1,208,674
STRIKE OUT	000	Federal Funds	1,219,685	1,208,674
STRIKE OUT		TOTAL FUNDS	1,219,685	1,208,674

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	092	HHS:BEHAVIORAL HEALTH- DIV OF	(CONT.)		
ACTIVITY:	920010	DIV OF BEHAVIORAL HEALTH	(CONT.)		
ORGANIZATION:	5946	WE Invision Grant	(CONT.)		
TOTAL EXPENSES FOR WE Invision Grant		0	0	0	0
TOTAL ESTIMATED SOURCE OF FUNDS FOR WE Invision Grant		0	0		
TOTAL FUNDS					
TOTAL EXPENSES FOR DIV OF BEHAVIORAL HEALTH		117,844,220		119,304,996	
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV OF BEHAVIORAL HEALTH					
FEDERAL FUNDS		61,650,685		62,198,548	
GENERAL FUND		56,188,535		57,101,448	
OTHER FUNDS		5,000		5,000	
TOTAL FUNDS		117,844,220		119,304,996	
TOTAL EXPENSES FOR HHS BEHAVIORAL HEALTH- DIV OF		117,844,220		119,304,996	
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS BEHAVIORAL HEALTH- DIV OF					
FEDERAL FUNDS		61,650,685		62,198,548	
GENERAL FUND		56,188,535		57,101,448	
OTHER FUNDS		5,000		5,000	
TOTAL FUNDS		117,844,220		119,304,996	
CATEGORY:		05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:		95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:		093	HHS:DEVELOPMENTAL SERV- DIV OF		
ACTIVITY:		930010	DIV OF DEVELOPMENTAL SVCS		
ORGANIZATION:		7100	DEVELOPMENTAL SERVICES		
STRIKE OUT		041	Audit Fund Set Aside	97,359	95,506
INSERT IN PLACE THEREOF		041	Audit Fund Set Aside	99,359	99,506

State of New Hampshire

AMENDMENTS TO				FISCAL YEAR 2012	FISCAL YEAR 2013
HB 0001					
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF	(CONT.)		
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS	(CONT.)		
ORGANIZATION:	7100	DEVELOPMENTAL SERVICES	(CONT.)		
STRIKE OUT					
557	Medicaid Waiver Services			179,779,040	175,969,008
INSERT IN PLACE THEREOF					
557	Medicaid Waiver Services			194,503,822	190,786,914
INSERT					
558	Waitlist			4,000,000	8,000,000
INSERT					
558					
F. This appropriation shall not lapse until June 30, 2013.					
STRIKE OUT					
TOTAL EXPENSES				179,876,399	176,064,514
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				198,603,181	198,886,420
STRIKE OUT					
000	Federal Funds			89,979,523	88,072,609
INSERT IN PLACE THEREOF					
000	Federal Funds			99,358,626	99,500,364
STRIKE OUT					
General Fund				89,896,876	87,991,905
INSERT IN PLACE THEREOF					
General Fund				99,244,555	99,386,056
STRIKE OUT					
TOTAL FUNDS				179,876,399	176,064,514
INSERT IN PLACE THEREOF					
TOTAL FUNDS				198,603,181	198,886,420

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF	(CONT.)		
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS	(CONT.)		
ORGANIZATION:	7100	DEVELOPMENTAL SERVICES	(CONT.)		
TOTAL EXPENSES FOR DEVELOPMENTAL SERVICES				198,603,181	198,886,420
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEVELOPMENTAL SERVICES					
FEDERAL FUNDS				99,358,626	99,500,364
GENERAL FUND				99,244,555	99,386,056
TOTAL FUNDS				198,603,181	198,886,420
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF			
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS			
ORGANIZATION:	5947	Program Support			
STRIKE OUT					
102 Contracts for program services				347,020	285,551
INSERT IN PLACE THEREOF					
102 Contracts for program services				560,020	498,551
STRIKE OUT					
TOTAL EXPENSES				2,176,500	2,115,394
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				2,389,500	2,328,394
INSERT					
008 Agency Income				213,000	213,000
STRIKE OUT					
TOTAL FUNDS				2,176,500	2,115,394
INSERT IN PLACE THEREOF					
TOTAL FUNDS				2,389,500	2,328,394

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF	(CONT.)		
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS	(CONT.)		
ORGANIZATION:	5947	Program Support	(CONT.)		
TOTAL EXPENSES FOR Program Support				2,389,500	2,328,394
TOTAL ESTIMATED SOURCE OF FUNDS FOR Program Support					
FEDERAL FUNDS					
GENERAL FUND				705,150	705,283
OTHER FUNDS				1,421,350	1,360,111
TOTAL FUNDS				2,63,000	263,000
				2,389,500	2,328,394
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF			
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS			
ORGANIZATION:	7016	ACQUIRED BRAIN DISORDER SERVIC			
STRIKE OUT				20,430,502	20,328,148
557 Medicaid Waiver Services					
INSERT IN PLACE THEREOF					
557 Medicaid Waiver Services				22,101,398	22,039,206
STRIKE OUT				20,783,640	20,688,122
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				22,454,536	22,399,180
TOTAL EXPENSES				10,226,314	10,175,131
STRIKE OUT					
000 Federal Funds				11,061,762	11,030,660
INSERT IN PLACE THEREOF				10,557,326	10,512,991
000 Federal Funds					
STRIKE OUT				11,392,774	11,368,520
General Fund					
INSERT IN PLACE THEREOF					
General Fund				20,783,640	20,688,122
STRIKE OUT					
TOTAL FUNDS					
INSERT IN PLACE THEREOF				22,454,536	22,399,180
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 093	HHS:DEVELOPMENTAL SERV-DIV OF		
ACTIVITY: 930010	DIV OF DEVELOPMENTAL SVCS		
ORGANIZATION: 7016	ACQUIRED BRAIN DISORDER SERVIC		
	(CONT.)		
	(CONT.)		
	(CONT.)		
	(CONT.)		
TOTAL EXPENSES FOR ACQUIRED BRAIN DISORDER SERVICE		22,454,536	22,399,180
TOTAL ESTIMATED SOURCE OF FUNDS FOR ACQUIRED BRAIN DISORDER SERVICE			
FEDERAL FUNDS		11,061,762	11,030,660
GENERAL FUND		11,392,774	11,368,520
TOTAL FUNDS		22,454,536	22,399,180
CATEGORY: 05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY: 093	HHS:DEVELOPMENTAL SERV-DIV OF		
ACTIVITY: 930010	DIV OF DEVELOPMENTAL SVCS		
ORGANIZATION: 7013	FAMILY SUPPORT SERVICES		
STRIKE OUT			
102	Contracts for program services	1,772,751	1,810,427
INSERT IN PLACE THEREOF			
102	Contracts for program services	3,545,401	3,620,853
STRIKE OUT			
TOTAL EXPENSES		1,772,751	1,810,427
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		3,545,401	3,620,853
STRIKE OUT			
General Fund		1,772,751	1,810,427
INSERT IN PLACE THEREOF			
General Fund		3,545,401	3,620,853
STRIKE OUT			
TOTAL FUNDS		1,772,751	1,810,427
INSERT IN PLACE THEREOF			
TOTAL FUNDS		3,545,401	3,620,853

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF		
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS		
ORGANIZATION:	7013	FAMILY SUPPORT SERVICES		
TOTAL EXPENSES FOR FAMILY SUPPORT SERVICES			3,545,401	3,620,853
TOTAL ESTIMATED SOURCE OF FUNDS FOR FAMILY SUPPORT SERVICES				
GENERAL FUND			3,545,401	3,620,853
TOTAL FUNDS			3,545,401	3,620,853
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF		
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS		
ORGANIZATION:	5050	TWIIIA		
INSERT	026	Organizational Dues	750	750
STRIKE OUT				
INSERT IN PLACE THEREOF			3,197,155	3,195,150
TOTAL EXPENSES			3,197,905	3,195,900
STRIKE OUT				
INSERT IN PLACE THEREOF	000	Federal Funds	3,197,155	3,195,150
STRIKE OUT				
INSERT IN PLACE THEREOF	000	Federal Funds	3,197,905	3,195,900
TOTAL FUNDS			3,197,155	3,195,150
INSERT IN PLACE THEREOF			3,197,905	3,195,900
TOTAL FUNDS			3,197,905	3,195,900
TOTAL EXPENSES FOR TWIIIA			3,197,905	3,195,900
TOTAL ESTIMATED SOURCE OF FUNDS FOR TWIIIA				
FEDERAL FUNDS			3,197,905	3,195,900
TOTAL FUNDS			3,197,905	3,195,900

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	093	HHS:DEVELOPMENTAL SERV- DIV OF		
ACTIVITY:	930010	DIV OF DEVELOPMENTAL SVCS		
TOTAL EXPENSES FOR DIV OF DEVELOPMENTAL SVCS			277,443,858	278,306,491
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV OF DEVELOPMENTAL SVCS				
FEDERAL FUNDS				
GENERAL FUND			149,859,285	150,256,327
OTHER FUNDS			127,321,573	127,787,164
TOTAL FUNDS			263,000	263,000
			277,443,858	278,306,491
TOTAL EXPENSES FOR HHS:DEVELOPMENTAL SERV- DIV OF			277,443,858	278,306,491
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS:DEVELOPMENTAL SERV- DIV OF				
FEDERAL FUNDS				
GENERAL FUND			149,859,285	150,256,327
OTHER FUNDS			127,321,573	127,787,164
TOTAL FUNDS			263,000	263,000
			277,443,858	278,306,491
CATEGORY: 05 HEALTH AND SOCIAL SERVICES				
DEPARTMENT: 95 DEPT OF HEALTH AND HUMAN SVCS				
AGENCY: 094 HHS:NEW HAMPSHIRE HOSPITAL				
ACTIVITY: 940010 NEW HAMPSHIRE HOSPITAL				
ORGANIZATION: 8410 NHH - FACILITY/PATIENT SUPPORT				
STRIKE OUT			6,230,420	6,035,711
010 Personal Services-Perm. Classi				
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi			6,167,698	5,974,247
STRIKE OUT			1,112,859	1,156,294
023 Heat- Electricity - Water				
INSERT IN PLACE THEREOF			1,086,859	1,129,794
023 Heat- Electricity - Water				
STRIKE OUT			3,598,838	3,817,191
060 Benefits				
INSERT IN PLACE THEREOF			3,561,669	3,777,568
060 Benefits				

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	094	HHS:NEW HAMPSHIRE HOSPITAL		
ACTIVITY:	940010	NEW HAMPSHIRE HOSPITAL		
ORGANIZATION:	8410	NHH - FACILITY/PATIENT SUPPORT		
STRIKE OUT				
TOTAL EXPENSES			15,168,762	15,280,334
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			15,042,871	15,152,747
STRIKE OUT				
000 Federal Funds			4,450,709	4,482,138
INSERT IN PLACE THEREOF				
000 Federal Funds			4,420,741	4,451,812
STRIKE OUT				
001 Transfer from Other Agencies			26,000	26,500
STRIKE OUT				
General Fund			10,016,016	10,077,838
INSERT IN PLACE THEREOF				
General Fund			9,946,093	10,007,077
STRIKE OUT				
TOTAL FUNDS			15,168,762	15,280,334
INSERT IN PLACE THEREOF				
TOTAL FUNDS			15,042,871	15,152,747
TOTAL EXPENSES FOR NHH - FACILITY/PATIENT SUPPORT			15,042,871	15,152,747
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHH - FACILITY/PATIENT SUPPORT				
FEDERAL FUNDS			4,420,741	4,451,812
GENERAL FUND			9,946,093	10,007,077
OTHER FUNDS			676,037	693,858
TOTAL FUNDS			15,042,871	15,152,747

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	094	HHS:NEW HAMPSHIRE HOSPITAL		
ACTIVITY:	940010	NEW HAMPSHIRE HOSPITAL		
TOTAL EXPENSES FOR NEW HAMPSHIRE HOSPITAL			67,393,087	63,514,626
TOTAL ESTIMATED SOURCE OF FUNDS FOR NEW HAMPSHIRE HOSPITAL				
FEDERAL FUNDS				
GENERAL FUND			19,036,948	19,059,315
OTHER FUNDS			46,494,223	43,523,301
TOTAL FUNDS			1,861,916	932,010
			67,393,087	63,514,626
TOTAL EXPENSES FOR HHS:NEW HAMPSHIRE HOSPITAL			67,393,087	63,514,626
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS:NEW HAMPSHIRE HOSPITAL				
FEDERAL FUNDS				
GENERAL FUND			19,036,948	19,059,315
OTHER FUNDS			46,494,223	43,523,301
TOTAL FUNDS			1,861,916	932,010
			67,393,087	63,514,626
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
ACTIVITY:	950010	OFFICE OF THE COMMISSIONER		
ORGANIZATION:	5676	OFFICE OF BUSINESS OPERATIONS		
STRIKE OUT				
010 Personal Services-Perm. Classi			2,624,975	2,577,850
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi			2,692,611	2,643,048
STRIKE OUT			284,621	274,413
012 Personal Services-Unclassified 2				
INSERT IN PLACE THEREOF			415,572	403,515
012 Personal Services-Unclassified 2			1,610,721	1,705,303
STRIKE OUT				
060 Benefits				
INSERT IN PLACE THEREOF			1,649,046	1,745,973
060 Benefits				

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY: 095	HHS:COMMISSIONER	(CONT.)		
ACTIVITY: 950010	OFFICE OF THE COMMISSIONER	(CONT.)		
ORGANIZATION: 5576	OFFICE OF BUSINESS OPERATIONS	(CONT.)		
STRIKE OUT				
TOTAL EXPENSES			6,375,653	6,431,095
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			6,612,565	6,666,065
STRIKE OUT				
000 Federal Funds			3,046,170	3,066,394
INSERT IN PLACE THEREOF				
000 Federal Funds				
STRIKE OUT				
General Fund			3,135,576	3,154,959
INSERT IN PLACE THEREOF				
General Fund			3,329,483	3,364,701
STRIKE OUT				
TOTAL FUNDS			3,476,989	3,511,106
INSERT IN PLACE THEREOF				
TOTAL FUNDS			6,375,653	6,431,095
TOTAL EXPENSES FOR OFFICE OF BUSINESS OPERATIONS				
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF BUSINESS OPERATIONS				
FEDERAL FUNDS				
GENERAL FUND				
TOTAL FUNDS			6,612,565	6,666,065
CATEGORY: 05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT: 95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY: 095	HHS:COMMISSIONER			
ACTIVITY: 950010	OFFICE OF THE COMMISSIONER			
ORGANIZATION: 5993	Health Prof Opportunities			
STRIKE OUT				
020 Current Expenses			3,000	3,000
INSERT IN PLACE THEREOF				
020 Current Expenses			13,000	13,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	095	HHS:COMMISSIONER	(CONT.)		
ACTIVITY:	950010	OFFICE OF THE COMMISSIONER	(CONT.)		
ORGANIZATION:	5993	Health Prof Opportunities	(CONT.)		
STRIKE OUT					
022	Rentis-Leases Other Than State			1,200	1,200
INSERT IN PLACE THEREOF					
022	Rentis-Leases Other Than State			25,200	25,200
STRIKE OUT					
040	Indirect Costs			55,000	55,000
INSERT IN PLACE THEREOF					
040	Indirect Costs			5,000	5,000
STRIKE OUT					
041	Audit Fund Set Aside			2,381	2,395
INSERT IN PLACE THEREOF					
041	Audit Fund Set Aside			2,937	2,664
STRIKE OUT					
060	Benefits			44,227	46,360
INSERT IN PLACE THEREOF					
060	Benefits			80,000	82,000
STRIKE OUT					
070	In-State Travel Reimbursement			1,300	1,300
INSERT IN PLACE THEREOF					
070	In-State Travel Reimbursement			3,750	3,750
STRIKE OUT					
102	Contracts for program services			2,053,800	2,060,000
INSERT IN PLACE THEREOF					
102	Contracts for program services			2,635,295	2,360,000
STRIKE OUT					
TOTAL EXPENSES				2,332,567	2,341,712
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				2,936,841	2,664,071
STRIKE OUT					
000	Federal Funds			2,332,567	2,341,712
INSERT IN PLACE THEREOF					
000	Federal Funds			2,936,841	2,664,071

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	095	HHS:COMMISSIONER	(CONT.)		
ACTIVITY:	950010	OFFICE OF THE COMMISSIONER	(CONT.)		
ORGANIZATION:	5993	Health Prof Opportunities	(CONT.)		
STRIKE OUT					
INSERT IN PLACE THEREOF				2,332,567	2,341,712
TOTAL FUNDS					
TOTAL EXPENSES FOR Health Prof Opportunities				2,936,841	2,964,071
TOTAL ESTIMATED SOURCE OF FUNDS FOR Health Prof Opportunities					
FEDERAL FUNDS					
TOTAL FUNDS				2,936,841	2,964,071
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER					
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				64,829,637	68,757,881
FEDERAL FUNDS					
GENERAL FUND				34,199,006	36,030,570
OTHER FUNDS				5,566,788	5,608,854
TOTAL FUNDS				25,063,843	27,118,457
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER				64,829,637	68,757,881
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	095	HHS:COMMISSIONER			
ACTIVITY:	952010	OFFICE OF PROGRAM SUPPORT			
ORGANIZATION:	5143	CHILD CARE LICENSING			
INSERT					
049		Transfer to Other State Agencies		47,178	48,121
STRIKE OUT					
TOTAL EXPENSES					
INSERT IN PLACE THEREOF				1,440,576	1,454,250
TOTAL EXPENSES				1,487,754	1,502,371

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
ACTIVITY:	952010	OFFICE OF PROGRAM SUPPORT		
ORGANIZATION:	5143	CHILD CARE LICENSING		
STRIKE OUT				
	General Fund		585,629	591,609
INSERT IN PLACE THEREOF				
	General Fund		632,807	639,730
STRIKE OUT				
TOTAL FUNDS			1,440,576	1,454,250
INSERT IN PLACE THEREOF				
TOTAL FUNDS			1,487,754	1,502,371
TOTAL EXPENSES FOR CHILD CARE LICENSING				
TOTAL ESTIMATED SOURCE OF FUNDS FOR CHILD CARE LICENSING			1,487,754	1,502,371
FEDERAL FUNDS				
GENERAL FUND			854,947	862,641
TOTAL FUNDS			632,807	639,730
			1,487,754	1,502,371
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
ACTIVITY:	952010	OFFICE OF PROGRAM SUPPORT		
ORGANIZATION:	5680	LEGAL SERVICES		
STRIKE OUT				
	000 Federal Funds		2,082,548	2,136,022
INSERT IN PLACE THEREOF				
	000 Federal Funds		2,024,636	2,077,392
STRIKE OUT				
	007 Agency Income		316,625	311,758
INSERT IN PLACE THEREOF				
	007 Agency Income		514,767	521,739
STRIKE OUT				
	General Fund		2,451,754	2,405,920
INSERT IN PLACE THEREOF				
	General Fund		2,311,524	2,254,569

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	095	HHS:COMMISSIONER	(CONT.)		
ACTIVITY:	952010	OFFICE OF PROGRAM SUPPORT	(CONT.)		
ORGANIZATION:	5680	LEGAL SERVICES	(CONT.)		
STRIKE OUT					
TOTAL FUNDS			4,850,927		4,853,700
INSERT IN PLACE THEREOF					
TOTAL FUNDS			4,850,927		4,853,700
TOTAL EXPENSES FOR LEGAL SERVICES			4,850,927		4,853,700
TOTAL ESTIMATED SOURCE OF FUNDS FOR LEGAL SERVICES					
FEDERAL FUNDS			2,024,636		2,077,392
GENERAL FUND			2,311,524		2,254,569
OTHER FUNDS			514,767		521,739
TOTAL FUNDS			4,850,927		4,853,700
TOTAL EXPENSES FOR OFFICE OF PROGRAM SUPPORT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF PROGRAM SUPPORT					
FEDERAL FUNDS			12,682,859		12,521,517
GENERAL FUND			6,249,296		6,129,234
OTHER FUNDS			5,200,517		5,148,863
TOTAL FUNDS			1,233,046		1,243,420
			12,682,859		12,521,517
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	095	HHS:COMMISSIONER			
ACTIVITY:	953010	OFFICE OF ADMINISTRATION			
ORGANIZATION:	5685	MANAGEMENT SUPPORT			
STRIKE OUT					
049		Transfer to Other State Agencies	3,478,875		3,462,886
INSERT IN PLACE THEREOF					
049		Transfer to Other State Agencies	3,568,672		3,552,683

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	095	HHS:COMMISSIONER	(CONT.)		
ACTIVITY:	953010	OFFICE OF ADMINISTRATION	(CONT.)		
ORGANIZATION:	5685	MANAGEMENT SUPPORT	(CONT.)		
STRIKE OUT					
TOTAL EXPENSES				9,653,456	8,563,152
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				9,743,253	8,652,949
STRIKE OUT				3,789,417	3,254,442
000 Federal Funds					
INSERT IN PLACE THEREOF					
000 Federal Funds					
STRIKE OUT				3,825,336	3,290,361
General Fund					
INSERT IN PLACE THEREOF				5,864,039	5,308,710
General Fund					
STRIKE OUT				5,917,917	5,362,588
TOTAL FUNDS					
INSERT IN PLACE THEREOF				9,653,456	8,563,152
TOTAL FUNDS				9,743,253	8,652,949
TOTAL EXPENSES FOR MANAGEMENT SUPPORT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR MANAGEMENT SUPPORT				9,743,253	8,652,949
FEDERAL FUNDS					
GENERAL FUND					
TOTAL FUNDS					
TOTAL EXPENSES FOR OFFICE OF ADMINISTRATION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF ADMINISTRATION				13,546,728	12,474,350
FEDERAL FUNDS					
GENERAL FUND					
TOTAL FUNDS					
TOTAL EXPENSES FOR OFFICE OF ADMINISTRATION					
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF ADMINISTRATION				5,008,612	4,476,668
FEDERAL FUNDS					
GENERAL FUND				8,538,116	7,997,682
TOTAL FUNDS				13,546,728	12,474,350

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	095		
ACTIVITY:	956010		
ORGANIZATION:	6138		
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS-COMMISSIONER			
OFF MEDICAID & BUSINESS POLICY			
SCHIP			
STRIKE OUT	000 Federal Funds	12,278,422	9,963,988
INSERT IN PLACE THEREOF	000 Federal Funds		
STRIKE OUT	General Fund	10,978,422	11,263,988
INSERT IN PLACE THEREOF	General Fund	4,823,929	5,451,543
STRIKE OUT	TOTAL FUNDS	6,123,929	4,151,543
INSERT IN PLACE THEREOF	TOTAL FUNDS	17,102,351	15,415,531
STRIKE OUT	TOTAL FUNDS	17,102,351	15,415,531
INSERT IN PLACE THEREOF	TOTAL FUNDS		
TOTAL EXPENSES FOR SCHIP		17,102,351	15,415,531
TOTAL ESTIMATED SOURCE OF FUNDS FOR SCHIP			
FEDERAL FUNDS		10,978,422	11,263,988
GENERAL FUND		6,123,929	4,151,543
TOTAL FUNDS		17,102,351	15,415,531
TOTAL EXPENSES FOR OFF MEDICAID & BUSINESS POLICY		469,864,827	479,674,790
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFF MEDICAID & BUSINESS POLICY			
FEDERAL FUNDS		227,340,107	232,509,580
GENERAL FUND		161,937,778	159,807,402
OTHER FUNDS		80,586,942	87,357,808
TOTAL FUNDS		469,864,827	479,674,790

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	095		
ACTIVITY:	957010		
ORGANIZATION:	6128		
	HEALTH AND SOCIAL SERVICES		
	DEPT OF HEALTH AND HUMAN SVCS		
	HHS-COMMISSIONER		
	DIV. OF CHILD SUPPORT SERVICES		
	CHILD SUPPORT SERVICES		
STRIKE OUT			
010	Personal Services-Perm. Classi	6,817,651	6,643,407
INSERT IN PLACE THEREOF			
010	Personal Services-Perm. Classi	6,714,219	6,539,880
STRIKE OUT			
060	Benefits	3,552,134	3,736,158
INSERT IN PLACE THEREOF			
060	Benefits	3,464,296	3,640,793
STRIKE OUT			
TOTAL EXPENSES		12,580,028	12,605,175
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		12,388,758	12,406,283
STRIKE OUT			
000	Federal Funds	8,112,085	8,126,169
INSERT IN PLACE THEREOF			
000	Federal Funds	7,994,971	8,004,387
STRIKE OUT			
009	Agency Income	1,228,267	1,232,873
INSERT IN PLACE THEREOF			
009	Agency Income	1,214,437	1,218,493
STRIKE OUT			
General Fund		3,239,676	3,246,133
INSERT IN PLACE THEREOF			
General Fund		3,179,350	3,183,403
STRIKE OUT			
TOTAL FUNDS		12,580,028	12,605,175
INSERT IN PLACE THEREOF			
TOTAL FUNDS		12,388,758	12,406,283

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
ACTIVITY:	957010	DIV. OF CHILD SUPPORT SERVICES		
ORGANIZATION:	6128	CHILD SUPPORT SERVICES		
TOTAL EXPENSES FOR CHILD SUPPORT SERVICES			12,388,758	12,406,283
TOTAL ESTIMATED SOURCE OF FUNDS FOR CHILD SUPPORT SERVICES				
FEDERAL FUNDS			7,994,971	8,004,387
GENERAL FUND			3,179,350	3,183,403
OTHER FUNDS			1,214,437	1,218,493
TOTAL FUNDS			12,388,758	12,406,283
TOTAL EXPENSES FOR DIV. OF CHILD SUPPORT SERVICES			17,404,822	16,977,031
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV. OF CHILD SUPPORT SERVICES				
FEDERAL FUNDS			10,857,279	10,572,785
GENERAL FUND			4,011,060	3,863,707
OTHER FUNDS			2,536,483	2,540,539
TOTAL FUNDS			17,404,822	16,977,031
CATEGORY:		05	HEALTH AND SOCIAL SERVICES	
DEPARTMENT:		95	DEPT OF HEALTH AND HUMAN SVCS	
AGENCY:		095	HHS:COMMISSIONER	
ACTIVITY:		958110	DCBCS DIABILITY DETERM UNIT	
ORGANIZATION:		5193	MEDICAL AND CLIENT SERVICES	
STRIKE OUT		046	Consultants	327,848
INSERT IN PLACE THEREOF		046	Consultants	
STRIKE OUT		101	Medical Payments to Providers	518,848
INSERT IN PLACE THEREOF		101	Medical Payments to Providers	735,730
				544,730

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS	(CONT.)		
AGENCY:	095	HHS:COMMISSIONER	(CONT.)		
ACTIVITY:	958110	DCBCS DIABILITY DETERM UNIT	(CONT.)		
ORGANIZATION:	5193	MEDICAL AND CLIENT SERVICES	(CONT.)		
STRIKE OUT					
		TOTAL EXPENSES		2,272,120	2,267,959
INSERT IN PLACE THEREOF					
		TOTAL EXPENSES		2,272,120	2,267,959
		TOTAL EXPENSES FOR MEDICAL AND CLIENT SERVICES		2,272,120	2,267,959
		TOTAL ESTIMATED SOURCE OF FUNDS FOR MEDICAL AND CLIENT SERVICES			
		FEDERAL FUNDS		1,155,217	1,153,654
		GENERAL FUND		1,116,903	1,114,305
		TOTAL FUNDS		2,272,120	2,267,959
		TOTAL EXPENSES FOR DCBCS DIABILITY DETERM UNIT		2,272,120	2,267,959
		TOTAL ESTIMATED SOURCE OF FUNDS FOR DCBCS DIABILITY DETERM UNIT			
		FEDERAL FUNDS		1,155,217	1,153,654
		GENERAL FUND		1,116,903	1,114,305
		TOTAL FUNDS		2,272,120	2,267,959
CATEGORY:	05	HEALTH AND SOCIAL SERVICES			
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS			
AGENCY:	095	HHS:COMMISSIONER			
ACTIVITY:	951010	OFFICE OF IMPROVEMENT, INTEGRITY & INFORMA			
ORGANIZATION:	5895	IMPROVEMENT, INTEGRITY & INFORMATION			
STRIKE OUT					
	012	Personal Services-Unclassified 2		197,177	187,287
INSERT IN PLACE THEREOF					
	012	Personal Services-Unclassified 2		66,226	58,185
STRIKE OUT					
		TOTAL EXPENSES		4,825,616	4,840,604
INSERT IN PLACE THEREOF					
		TOTAL EXPENSES		4,694,665	4,711,502

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES (CONT.)		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS (CONT.)		
AGENCY:	095	HHS-COMMISSIONER (CONT.)		
ACTIVITY:	951010	OFFICE OF IMPROVEMENT, INTEGRITY & INFORMAT (CONT.)		
ORGANIZATION:	5695	IMPROVEMENT, INTEGRITY & INFORMATION (CONT.)		
STRIKE OUT			2,215,385	2,190,635
000 Federal Funds				
INSERT IN PLACE THEREOF				
000 Federal Funds			2,157,766	2,133,830
STRIKE OUT			2,571,631	2,610,850
INSERT IN PLACE THEREOF				
General Fund			2,498,299	2,538,553
General Fund			4,825,616	4,840,604
STRIKE OUT			4,694,665	4,711,502
TOTAL FUNDS				
INSERT IN PLACE THEREOF				
TOTAL FUNDS			4,694,665	4,711,502
TOTAL EXPENSES FOR IMPROVEMENT, INTEGRITY & INFORMATION			4,694,665	
TOTAL ESTIMATED SOURCE OF FUNDS FOR IMPROVEMENT, INTEGRITY & INFORMATION				
FEDERAL FUNDS			2,157,766	2,133,830
GENERAL FUND			2,498,299	2,538,553
OTHER FUNDS			38,600	39,119
TOTAL FUNDS			4,694,665	4,711,502
TOTAL EXPENSES FOR OFFICE OF IMPROVEMENT, INTEGRITY & INFORMATION			5,324,677	5,342,943
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF IMPROVEMENT, INTEGRITY & INFORMATION				
FEDERAL FUNDS			2,380,077	2,426,431
GENERAL FUND			2,906,000	2,877,393
OTHER FUNDS			38,600	39,119
TOTAL FUNDS			5,324,677	5,342,943

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	095		
ACTIVITY:	954010		
ORGANIZATION:	5952		
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS-COMMISSIONER			
OFFICE OF INFORMATION SERVICES			
Office of Information Services			
STRIKE OUT			
010 Personal Services-Perm. Classi		342,831	333,428
INSERT IN PLACE THEREOF			
010 Personal Services-Perm. Classi		386,915	377,813
STRIKE OUT			
060 Benefits		372,286	389,396
INSERT IN PLACE THEREOF			
060 Benefits		397,884	416,931
STRIKE OUT			
TOTAL EXPENSES		40,767,000	35,050,097
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		40,836,682	35,122,017
STRIKE OUT			
000 Federal Funds		21,872,375	17,403,654
INSERT IN PLACE THEREOF			
000 Federal Funds		21,900,248	17,432,422
STRIKE OUT			
General Fund		18,894,625	17,646,443
INSERT IN PLACE THEREOF			
General Fund		18,936,434	17,689,595
STRIKE OUT			
TOTAL FUNDS		40,767,000	35,050,097
INSERT IN PLACE THEREOF			
TOTAL FUNDS		40,836,682	35,122,017
TOTAL EXPENSES FOR Office of Information Services			
TOTAL ESTIMATED SOURCE OF FUNDS FOR Office of Information Services			
FEDERAL FUNDS		21,900,248	17,432,422
GENERAL FUND		18,936,434	17,689,595
TOTAL FUNDS		40,836,682	35,122,017

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
ACTIVITY:	954010	OFFICE OF INFORMATION SERVICES		
TOTAL EXPENSES FOR OFFICE OF INFORMATION SERVICES			43,197,070	37,071,836
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF INFORMATION SERVICES				
FEDERAL FUNDS			23,506,586	18,625,728
GENERAL FUND			19,690,484	17,846,108
OTHER FUNDS			0	600,000
TOTAL FUNDS			43,197,070	37,071,836
TOTAL EXPENSES FOR HHS:COMMISSIONER			657,760,329	663,781,390
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS:COMMISSIONER				
FEDERAL FUNDS			325,143,554	326,549,892
GENERAL FUND			218,408,108	213,551,016
HIGHWAY FUNDS			215,830	220,146
OTHER FUNDS			113,982,837	123,460,336
TOTAL FUNDS			657,760,329	663,781,390
TOTAL EXPENSES FOR DEPT OF HEALTH AND HUMAN SVCS			1,888,463,143	1,903,176,920
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF HEALTH AND HUMAN SVCS				
FEDERAL FUNDS			922,776,803	929,579,818
GENERAL FUND			664,984,763	661,580,203
HIGHWAY FUNDS			215,830	220,146
OTHER FUNDS			300,485,747	311,796,753
TOTAL FUNDS			1,888,463,143	1,903,176,920

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
TOTAL EXPENSES FOR HEALTH AND SOCIAL SERVICES					
TOTAL ESTIMATED SOURCE OF FUNDS FOR HEALTH AND SOCIAL SERVICES					
FEDERAL FUNDS				1,923,582,741	1,938,529,891
GENERAL FUND				931,945,888	938,852,543
HIGHWAY FUNDS				680,740,944	677,372,284
OTHER FUNDS				215,830	220,146
				310,680,079	322,084,918
TOTAL FUNDS				1,923,582,741	1,938,529,891
CATEGORY:	06	EDUCATION			
DEPARTMENT:	56	DEPARTMENT OF EDUCATION			
AGENCY:	056	EDUCATION, DEPT OF			
ACTIVITY:	560010	OFFICE OF THE COMMISSIONER			
ORGANIZATION:	7550	ADEQUATE EDUCATION GRANTS			
STRIKE OUT					
611		Charter School Tuition		6,552,540	7,366,740
INSERT IN PLACE THEREOF					
611		Charter School Tuition		5,772,948	5,960,172
STRIKE OUT					
625		Fiscal Disparity - Charter Schools		3,704,000	4,162,000
INSERT IN PLACE THEREOF					
625		Fiscal Disparity - Charter Schools		3,246,144	3,335,920
STRIKE OUT					
TOTAL EXPENSES				956,939,567	958,211,767
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				955,702,119	955,979,119
Other Funds					
INSERT IN PLACE THEREOF					
Other Funds				956,939,567	958,211,767
STRIKE OUT					
TOTAL FUNDS				955,702,119	955,979,119
INSERT IN PLACE THEREOF					
TOTAL FUNDS				956,939,567	958,211,767
INSERT IN PLACE THEREOF					
TOTAL FUNDS				955,702,119	955,979,119

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION		
AGENCY:	056	EDUCATION, DEPT OF		
ACTIVITY:	560010	OFFICE OF THE COMMISSIONER		
ORGANIZATION:	7550	ADEQUATE EDUCATION GRANTS		
TOTAL EXPENSES FOR ADEQUATE EDUCATION GRANTS			955,702,119	955,979,119
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADEQUATE EDUCATION GRANTS				
OTHER FUNDS			955,702,119	955,979,119
TOTAL FUNDS			955,702,119	955,979,119
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER			956,369,765	956,646,267
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				
GENERAL FUND			442,215	440,566
OTHER FUNDS			955,927,550	956,205,701
TOTAL FUNDS			956,369,765	956,646,267
CATEGORY:	06	EDUCATION		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION		
AGENCY:	056	EDUCATION, DEPT OF		
ACTIVITY:	560510	OFFICE OF DEP COMMISSIONER		
ORGANIZATION:	6003	DEPUTY COMMISSIONER		
STRIKE OUT				
010 Personal Services-Perm. Classi			198,553	194,214
INSERT IN PLACE THEREOF				
010 Personal Services-Perm. Classi			173,353	169,546
STRIKE OUT				
060 Benefits			127,051	132,934
INSERT IN PLACE THEREOF				
060 Benefits			130,227	137,025
STRIKE OUT				
TOTAL EXPENSES			445,077	446,976
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			423,053	426,399

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION		
AGENCY:	056	EDUCATION, DEPT OF		
ACTIVITY:	560510	OFFICE OF DEP COMMISSIONER		
ORGANIZATION:	6003	DEPUTY COMMISSIONER		
STRIKE OUT				
	General Fund		445,077	446,976
INSERT IN PLACE THEREOF				
	General Fund		423,053	426,399
STRIKE OUT				
INSERT IN PLACE THEREOF			445,077	446,976
TOTAL FUNDS				
INSERT IN PLACE THEREOF			423,053	426,399
TOTAL FUNDS				
INSERT IN PLACE THEREOF			423,053	426,399
TOTAL FUNDS			423,053	426,399
TOTAL EXPENSES FOR DEPUTY COMMISSIONER				
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPUTY COMMISSIONER				
GENERAL FUND			423,053	426,399
TOTAL FUNDS			423,053	426,399
CATEGORY:	06	EDUCATION		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION		
AGENCY:	056	EDUCATION, DEPT OF		
ACTIVITY:	560510	OFFICE OF DEP COMMISSIONER		
ORGANIZATION:	6002	BUSINESS MANAGEMENT		
STRIKE OUT				
	010 Personal Services-Perm. Classi		389,975	377,579
INSERT IN PLACE THEREOF				
	010 Personal Services-Perm. Classi		467,687	453,349
STRIKE OUT				
	060 Benefits		192,264	201,535
INSERT IN PLACE THEREOF				
	060 Benefits		240,916	253,176
STRIKE OUT				
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			602,029	598,904
TOTAL EXPENSES			728,393	726,315

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 06	EDUCATION		
DEPARTMENT: 56	DEPARTMENT OF EDUCATION		
AGENCY: 056	EDUCATION, DEPT OF		
ACTIVITY: 560510	OFFICE OF DEP COMMISSIONER		
ORGANIZATION: 6002	BUSINESS MANAGEMENT		
STRIKE OUT			
General Fund		602,029	598,904
INSERT IN PLACE THEREOF			
General Fund		728,393	726,315
STRIKE OUT			
TOTAL FUNDS			
INSERT IN PLACE THEREOF		602,029	598,904
TOTAL FUNDS		728,393	726,315
TOTAL EXPENSES FOR BUSINESS MANAGEMENT			
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUSINESS MANAGEMENT		728,393	726,315
GENERAL FUND		728,393	726,315
OTHER FUNDS			
TOTAL FUNDS		2,144,307	2,134,912
TOTAL EXPENSES FOR OFFICE OF DEP COMMISSIONER			
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF DEP COMMISSIONER		2,033,892	2,019,497
GENERAL FUND		110,415	115,415
OTHER FUNDS		2,144,307	2,134,912
TOTAL FUNDS			
CATEGORY: 06	EDUCATION		
DEPARTMENT: 56	DEPARTMENT OF EDUCATION		
AGENCY: 056	EDUCATION, DEPT OF		
ACTIVITY: 560510	HIGHER EDUCATION SERVICES		
ORGANIZATION: 8679	HIGHER EDUCATION COMMISSION		
INSERT			
010	Personal Services-Perm. Classi	50,645	48,770
INSERT			
011	Personal Services-Unclassified	81,785	78,767

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION	(CONT.)		
AGENCY:	056	EDUCATION, DEPT OF	(CONT.)		
ACTIVITY:	566510	HIGHER EDUCATION SERVICES	(CONT.)		
ORGANIZATION:	8679	HIGHER EDUCATION COMMISSION	(CONT.)		
INSERT					
020	Current Expenses			7,000	7,000
INSERT					
021	Food Institutions			100	100
INSERT					
026	Organizational Dues			3,300	3,400
INSERT					
027	Transfers To DOI			7,500	8,161
INSERT					
049	Transfer to Other State Agencies			250	250
INSERT					
060	Benefits			101,410	64,188
INSERT					
070	In-State Travel Reimbursement			1,000	1,000
INSERT					
080	Out-Of State Travel			1,000	1,100
INSERT					
TOTAL EXPENSES				253,990	212,736
General Fund				253,990	212,736
INSERT					
TOTAL FUNDS				253,990	212,736
TOTAL EXPENSES FOR HIGHER EDUCATION COMMISSION				253,990	212,736
TOTAL ESTIMATED SOURCE OF FUNDS FOR HIGHER EDUCATION COMMISSION				253,990	212,736
GENERAL FUND				253,990	212,736
TOTAL FUNDS				253,990	212,736

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION	(CONT.)		
AGENCY:	056	EDUCATION, DEPT OF	(CONT.)		
ACTIVITY:	566510	HIGHER EDUCATION SERVICES	(CONT.)		
TOTAL EXPENSES FOR HIGHER EDUCATION SERVICES				2,430,667	2,286,488
TOTAL ESTIMATED SOURCE OF FUNDS FOR HIGHER EDUCATION SERVICES					
FEDERAL FUNDS				1,705,878	1,709,791
GENERAL FUND				520,960	369,736
OTHER FUNDS				203,789	206,961
TOTAL FUNDS				2,430,667	2,286,488
CATEGORY:	06	EDUCATION			
DEPARTMENT:	56	DEPARTMENT OF EDUCATION			
AGENCY:	056	EDUCATION, DEPT OF			
ACTIVITY:	561010	FINANCIAL AID TO DISTRICTS			
ORGANIZATION:	6019	OTHER STATE AID			
STRIKE OUT					
077	Building Aid - Education			49,010,475	47,238,342
INSERT IN PLACE THEREOF					
077	Building Aid - Education			48,891,283	47,076,655
STRIKE OUT					
600	Tuition and Transportation Aid			5,900,000	5,900,000
INSERT IN PLACE THEREOF					
600	Tuition and Transportation Aid			6,900,000	6,900,000
INSERT					
606	Dropout Prevention			600,000	600,000
INSERT					
617	Kindergarten Construction			888,395	0
STRIKE OUT					
TOTAL EXPENSES				76,547,783	74,775,650
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				78,916,986	76,213,963
STRIKE OUT					
General Fund				76,547,783	74,775,650
INSERT IN PLACE THEREOF					
General Fund				78,916,986	76,213,963

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION	(CONT.)		
AGENCY:	056	EDUCATION, DEPT OF	(CONT.)		
ACTIVITY:	561010	FINANCIAL AID TO DISTRICTS	(CONT.)		
ORGANIZATION:	6019	OTHER STATE AID	(CONT.)		
STRIKE OUT					
	TOTAL FUNDS			76,547,783	74,775,650
INSERT IN PLACE THEREOF					
	TOTAL FUNDS			78,916,986	76,213,963
TOTAL EXPENSES FOR OTHER STATE AID					
				78,916,986	76,213,963
TOTAL ESTIMATED SOURCE OF FUNDS FOR OTHER STATE AID					
	GENERAL FUND			78,916,986	76,213,963
	TOTAL FUNDS			78,916,986	76,213,963
TOTAL EXPENSES FOR FINANCIAL AID TO DISTRICTS					
				79,862,932	77,159,909
TOTAL ESTIMATED SOURCE OF FUNDS FOR FINANCIAL AID TO DISTRICTS					
	FEDERAL FUNDS				
	GENERAL FUND			945,946	945,946
	TOTAL FUNDS			78,916,986	76,213,963
				79,862,932	77,159,909
CATEGORY:	06	EDUCATION			
DEPARTMENT:	56	DEPARTMENT OF EDUCATION			
AGENCY:	056	EDUCATION, DEPT OF			
ACTIVITY:	562010	DIVISION OF INSTRUCTION			
ORGANIZATION:	3280	CURRICULUM AND ASSESSMENT			
STRIKE OUT					
	010	Personal Services-Perm. Classi		395,619	383,421
INSERT IN PLACE THEREOF					
	010	Personal Services-Perm. Classi		305,284	296,431
STRIKE OUT					
	060	Benefits		216,232	227,518
INSERT IN PLACE THEREOF					
	060	Benefits		181,301	191,551

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION	(CONT.)		
AGENCY:	056	EDUCATION, DEPT OF	(CONT.)		
ACTIVITY:	562010	DIVISION OF INSTRUCTION	(CONT.)		
ORGANIZATION:	3260	CURRICULUM AND ASSESSMENT	(CONT.)		
STRIKE OUT		TOTAL EXPENSES		2,993,287	2,940,934
INSERT IN PLACE THEREOF		INSERT IN PLACE THEREOF		2,868,021	2,817,977
TOTAL EXPENSES		TOTAL EXPENSES		2,993,287	2,940,934
STRIKE OUT		General Fund			
INSERT IN PLACE THEREOF		General Fund		2,868,021	2,817,977
STRIKE OUT		TOTAL FUNDS		2,993,287	2,940,934
INSERT IN PLACE THEREOF		INSERT IN PLACE THEREOF		2,868,021	2,817,977
TOTAL FUNDS		TOTAL FUNDS		2,868,021	2,817,977
TOTAL EXPENSES FOR CURRICULUM AND ASSESSMENT		TOTAL EXPENSES FOR CURRICULUM AND ASSESSMENT		2,868,021	2,817,977
TOTAL ESTIMATED SOURCE OF FUNDS FOR CURRICULUM AND ASSESSMENT		TOTAL ESTIMATED SOURCE OF FUNDS FOR CURRICULUM AND ASSESSMENT		2,868,021	2,817,977
GENERAL FUND		GENERAL FUND		2,868,021	2,817,977
TOTAL FUNDS		TOTAL FUNDS			
TOTAL EXPENSES FOR DIVISION OF INSTRUCTION		TOTAL EXPENSES FOR DIVISION OF INSTRUCTION		18,865,518	19,247,548
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF INSTRUCTION		TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF INSTRUCTION			
FEDERAL FUNDS		FEDERAL FUNDS		15,776,998	16,188,974
GENERAL FUND		GENERAL FUND		3,088,520	3,012,665
OTHER FUNDS		OTHER FUNDS		0	45,909
TOTAL FUNDS		TOTAL FUNDS		18,865,518	19,247,548
CATEGORY:	06	EDUCATION			
DEPARTMENT:	56	DEPARTMENT OF EDUCATION			
AGENCY:	056	EDUCATION, DEPT OF			
ACTIVITY:	563510	PROGRAM SUPPORT			
ORGANIZATION:	4000	PROGRAM SUPPORT- STATE			

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION	(CONT.)		
AGENCY:	056	EDUCATION, DEPT OF	(CONT.)		
ACTIVITY:	563510	PROGRAM SUPPORT	(CONT.)		
ORGANIZATION:	4000	PROGRAM SUPPORT- STATE	(CONT.)		
STRIKE OUT					
010	Personal Services-Perm. Classi			372,796	362,302
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			469,526	457,298
STRIKE OUT					
060	Benefits			169,082	175,841
INSERT IN PLACE THEREOF					
060	Benefits			240,499	252,004
STRIKE OUT					
TOTAL EXPENSES				683,018	675,799
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				851,165	846,958
INSERT					
000	Federal Funds			90,664	88,476
STRIKE OUT					
General Fund				683,018	675,799
INSERT IN PLACE THEREOF					
General Fund				760,501	758,482
STRIKE OUT					
TOTAL FUNDS				683,018	675,799
INSERT IN PLACE THEREOF					
TOTAL FUNDS				851,165	846,958
TOTAL EXPENSES FOR PROGRAM SUPPORT- STATE				851,165	846,958
TOTAL ESTIMATED SOURCE OF FUNDS FOR PROGRAM SUPPORT- STATE					
FEDERAL FUNDS				90,664	88,476
GENERAL FUND				760,501	758,482
TOTAL FUNDS				851,165	846,958

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION	(CONT.)		
AGENCY:	056	EDUCATION, DEPT OF	(CONT.)		
ACTIVITY:	563610	PROGRAM SUPPORT	(CONT.)		
TOTAL EXPENSES FOR PROGRAM SUPPORT				1,702,691	1,700,255
TOTAL ESTIMATED SOURCE OF FUNDS FOR PROGRAM SUPPORT					
FEDERAL FUNDS				845,939	845,522
GENERAL FUND				760,501	758,482
OTHER FUNDS				96,251	96,251
TOTAL FUNDS				1,702,691	1,700,255
CATEGORY:	06	EDUCATION			
DEPARTMENT:	56	DEPARTMENT OF EDUCATION			
AGENCY:	056	EDUCATION, DEPT OF			
ACTIVITY:	564610	CERTIFICATION			
ORGANIZATION:	6204	EDUCATION CREDENTIALING			
STRIKE OUT				478,784	469,570
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				646,342	634,119
STRIKE OUT				206,141	215,545
060 Benefits					
INSERT IN PLACE THEREOF					
060 Benefits				280,185	273,355
STRIKE OUT					
TOTAL EXPENSES				1,779,948	1,779,961
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				2,021,550	2,002,320
STRIKE OUT				1,779,948	1,779,961
009 Agency Income					
INSERT IN PLACE THEREOF					
009 Agency Income				2,021,550	2,002,320
STRIKE OUT					
TOTAL FUNDS				1,779,948	1,779,961
INSERT IN PLACE THEREOF					
TOTAL FUNDS				2,021,550	2,002,320

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	56	DEPARTMENT OF EDUCATION	(CONT.)		
AGENCY:	056	EDUCATION, DEPT OF	(CONT.)		
ACTIVITY:	564510	CERTIFICATION	(CONT.)		
ORGANIZATION:	6204	EDUCATION CREDENTIALING	(CONT.)		
TOTAL EXPENSES FOR EDUCATION CREDENTIALING				2,021,550	2,002,320
TOTAL ESTIMATED SOURCE OF FUNDS FOR EDUCATION CREDENTIALING				2,021,550	2,002,320
OTHER FUNDS				2,021,550	2,002,320
TOTAL FUNDS				2,065,293	2,002,320
TOTAL EXPENSES FOR CERTIFICATION				2,065,293	2,002,320
TOTAL ESTIMATED SOURCE OF FUNDS FOR CERTIFICATION				2,065,293	2,002,320
OTHER FUNDS				2,065,293	2,002,320
TOTAL FUNDS				1,278,639,394	1,278,286,944
TOTAL EXPENSES FOR EDUCATION, DEPT OF				1,278,639,394	1,278,286,944
TOTAL ESTIMATED SOURCE OF FUNDS FOR EDUCATION, DEPT OF				1,278,639,394	1,278,286,944
FEDERAL FUNDS				218,741,584	220,839,103
GENERAL FUND				95,779,816	93,016,594
OTHER FUNDS				964,117,994	964,331,247
TOTAL FUNDS				1,278,639,394	1,278,286,944
TOTAL EXPENSES FOR DEPARTMENT OF EDUCATION				1,278,639,394	1,278,286,944
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF EDUCATION				1,278,639,394	1,278,286,944
FEDERAL FUNDS				218,741,584	220,839,103
GENERAL FUND				95,779,816	93,016,594
OTHER FUNDS				964,117,994	964,331,247
TOTAL FUNDS				1,278,639,394	1,278,286,944

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5931		
EDUCATION			
COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI			
COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
NH COMM TECH COLLEGE SYSTEM			
COLLEGE SYSTEM OFFICE			
STRIKE OUT		2,252,324	2,387,945
635 CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		2,203,712	2,339,333
STRIKE OUT			
TOTAL EXPENSES		2,252,324	2,387,945
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		2,203,712	2,339,333
STRIKE OUT		638,273	264,272
009 Agency Income			
INSERT IN PLACE THEREOF		617,637	215,660
009 Agency Income		1,614,051	2,123,673
STRIKE OUT			
General Fund			
INSERT IN PLACE THEREOF		1,586,075	2,123,673
General Fund			
STRIKE OUT		2,252,324	2,387,945
INSERT IN PLACE THEREOF			
TOTAL FUNDS		2,203,712	2,339,333
TOTAL FUNDS			
TOTAL EXPENSES FOR COLLEGE SYSTEM OFFICE		2,203,712	2,339,333
TOTAL ESTIMATED SOURCE OF FUNDS FOR COLLEGE SYSTEM OFFICE			
GENERAL FUND		1,586,075	2,123,673
OTHER FUNDS		617,637	215,660
TOTAL FUNDS		2,203,712	2,339,333

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION			
DEPARTMENT:	58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE			
AGENCY:	058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
ACTIVITY:	580010	NH COMM TECH COLLEGE SYSTEM			
ORGANIZATION:	5932	WHITE MOUNTAINS CC			
STRIKE OUT	635	CCSNH of New Hampshire Funding		2,848,734	3,424,663
INSERT IN PLACE THEREOF	635	CCSNH of New Hampshire Funding		2,787,250	3,363,179
STRIKE OUT		TOTAL EXPENSES		2,848,734	3,424,663
INSERT IN PLACE THEREOF		TOTAL EXPENSES		2,787,250	3,363,179
STRIKE OUT	009	Agency Income		807,286	379,005
INSERT IN PLACE THEREOF	009	Agency Income		781,186	317,521
STRIKE OUT		General Fund		2,041,448	3,045,658
INSERT IN PLACE THEREOF		General Fund		2,006,064	3,045,658
STRIKE OUT		TOTAL FUNDS		2,848,734	3,424,663
INSERT IN PLACE THEREOF		TOTAL FUNDS		2,787,250	3,363,179
TOTAL EXPENSES FOR WHITE MOUNTAINS CC				2,787,250	3,363,179
TOTAL ESTIMATED SOURCE OF FUNDS FOR WHITE MOUNTAINS CC				2,006,064	3,045,658
GENERAL FUND				781,186	317,521
OTHER FUNDS				2,787,250	3,363,179
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5933		
EDUCATION			
COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI			
COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
NH COMM TECH COLLEGE SYSTEM			
RIVER VALLEY CC			
STRIKE OUT			
635 CCSNH of New Hampshire Funding		3,024,149	3,416,897
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		2,958,879	3,351,627
STRIKE OUT			
TOTAL EXPENSES		3,024,149	3,416,897
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		2,958,879	3,351,627
STRIKE OUT			
009 Agency Income		856,996	378,146
INSERT IN PLACE THEREOF			
009 Agency Income		829,289	312,876
STRIKE OUT			
General Fund		2,167,153	3,038,751
INSERT IN PLACE THEREOF			
General Fund		2,129,590	3,038,751
STRIKE OUT			
TOTAL FUNDS		3,024,149	3,416,897
INSERT IN PLACE THEREOF			
TOTAL FUNDS		2,958,879	3,351,627
TOTAL EXPENSES FOR RIVER VALLEY CC			
TOTAL ESTIMATED SOURCE OF FUNDS FOR RIVER VALLEY CC			
GENERAL FUND		2,958,879	3,351,627
OTHER FUNDS			
TOTAL FUNDS		2,129,590	3,038,751
		829,289	312,876
		2,958,879	3,351,627

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5934		
STRIKE OUT			
635 CCSNH of New Hampshire Funding		6,883,272	8,045,240
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		6,734,711	7,896,679
STRIKE OUT			
TOTAL EXPENSES		6,883,272	8,045,240
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		6,734,711	7,896,679
STRIKE OUT			
009 Agency Income		1,950,610	890,361
INSERT IN PLACE THEREOF			
009 Agency Income		1,887,546	741,800
STRIKE OUT			
General Fund		4,932,662	7,154,879
INSERT IN PLACE THEREOF			
General Fund		4,847,165	7,154,879
STRIKE OUT			
TOTAL FUNDS		6,883,272	8,045,240
INSERT IN PLACE THEREOF			
TOTAL FUNDS		6,734,711	7,896,679
TOTAL EXPENSES FOR NHTI - CONCORD		6,734,711	7,896,679
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHTI - CONCORD			
GENERAL FUND		4,847,165	7,154,879
OTHER FUNDS		1,887,546	741,800
TOTAL FUNDS		6,734,711	7,896,679

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5935		
EDUCATION			
COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE			
COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
NH COMM TECH COLLEGE SYSTEM			
LAKES REGION CC			
STRIKE OUT		2,750,502	3,222,755
CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		2,691,138	3,163,391
STRIKE OUT			
INSERT IN PLACE THEREOF		2,750,502	3,222,755
TOTAL EXPENSES		2,691,138	3,163,391
TOTAL EXPENSES		779,449	356,860
STRIKE OUT			
009 Agency Income		754,249	297,296
INSERT IN PLACE THEREOF		1,971,053	2,866,095
STRIKE OUT			
General Fund		1,936,889	2,866,095
INSERT IN PLACE THEREOF			
General Fund		2,750,502	3,222,755
STRIKE OUT		2,691,138	3,163,391
TOTAL FUNDS			
TOTAL FUNDS		2,691,138	3,163,391
TOTAL EXPENSES FOR LAKES REGION CC			
TOTAL ESTIMATED SOURCE OF FUNDS FOR LAKES REGION CC			
GENERAL FUND		1,936,889	2,866,095
OTHER FUNDS		754,249	297,296
TOTAL FUNDS		2,691,138	3,163,391

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5936		
EDUCATION			
COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI			
COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
NH COMM TECH COLLEGE SYSTEM			
MANCHESTER CC			
STRIKE OUT			
635 CCSNH of New Hampshire Funding		3,802,990	4,395,372
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		3,720,910	4,313,292
STRIKE OUT			
TOTAL EXPENSES		3,802,990	4,395,372
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		3,720,910	4,313,292
STRIKE OUT			
009 Agency Income		1,077,707	486,433
INSERT IN PLACE THEREOF			
009 Agency Income		1,042,864	404,353
STRIKE OUT			
General Fund		2,725,283	3,908,939
INSERT IN PLACE THEREOF			
General Fund		2,678,046	3,908,939
STRIKE OUT			
TOTAL FUNDS		3,802,990	4,395,372
INSERT IN PLACE THEREOF			
TOTAL FUNDS		3,720,910	4,313,292
TOTAL EXPENSES FOR MANCHESTER CC			
TOTAL ESTIMATED SOURCE OF FUNDS FOR MANCHESTER CC			
GENERAL FUND			
OTHER FUNDS			
TOTAL FUNDS			
		2,678,046	3,908,939
		1,042,864	404,353
		3,720,910	4,313,292

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	068		
ACTIVITY:	580010		
ORGANIZATION:	5937		
EDUCATION			
COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI			
COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
NH COMM TECH COLLEGE SYSTEM			
NASHUA CC			
STRIKE OUT			
635 CCSNH of New Hampshire Funding		3,171,497	3,711,993
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		3,103,047	3,643,543
STRIKE OUT			
INSERT IN PLACE THEREOF		3,171,497	3,711,993
TOTAL EXPENSES		3,103,047	3,643,543
STRIKE OUT			
009 Agency Income		898,752	410,804
INSERT IN PLACE THEREOF			
009 Agency Income		869,695	342,354
STRIKE OUT			
General Fund		2,272,745	3,301,189
INSERT IN PLACE THEREOF			
General Fund		2,233,352	3,301,189
STRIKE OUT			
TOTAL FUNDS		3,171,497	3,711,993
INSERT IN PLACE THEREOF			
TOTAL FUNDS		3,103,047	3,643,543
TOTAL EXPENSES FOR NASHUA CC			
TOTAL ESTIMATED SOURCE OF FUNDS FOR NASHUA CC		3,103,047	3,643,543
GENERAL FUND			
OTHER FUNDS		2,233,352	3,301,189
TOTAL FUNDS		869,695	342,354
		3,103,047	3,643,543

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM		
ORGANIZATION: 5938	GREAT BAY CC		
STRIKE OUT			
635	CCSNH of New Hampshire Funding	3,066,249	3,517,851
INSERT IN PLACE THEREOF			
635	CCSNH of New Hampshire Funding	3,000,070	3,451,672
STRIKE OUT			
	TOTAL EXPENSES	3,066,249	3,517,851
INSERT IN PLACE THEREOF			
	TOTAL EXPENSES	3,000,070	3,451,672
STRIKE OUT			
009	Agency Income	888,926	389,318
INSERT IN PLACE THEREOF			
009	Agency Income	840,833	323,139
STRIKE OUT			
	General Fund	2,197,323	3,128,533
INSERT IN PLACE THEREOF			
	General Fund	2,159,237	3,128,533
STRIKE OUT			
	TOTAL FUNDS	3,066,249	3,517,851
INSERT IN PLACE THEREOF			
	TOTAL FUNDS	3,000,070	3,451,672
TOTAL EXPENSES FOR GREAT BAY CC		3,000,070	3,451,672
TOTAL ESTIMATED SOURCE OF FUNDS FOR GREAT BAY CC			
GENERAL FUND		2,159,237	3,128,533
OTHER FUNDS		840,833	323,139
TOTAL FUNDS		3,000,070	3,451,672

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE	(CONT.)		
AGENCY:	058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE	(CONT.)		
ACTIVITY:	580010	NH COMM TECH COLLEGE SYSTEM	(CONT.)		
TOTAL EXPENSES FOR NH COMM TECH COLLEGE SYSTEM				27,199,717	31,522,716
TOTAL ESTIMATED SOURCE OF FUNDS FOR NH COMM TECH COLLEGE SYSTEM					
GENERAL FUND				19,576,418	28,567,717
OTHER FUNDS				7,623,299	2,954,999
TOTAL FUNDS				27,199,717	31,522,716
TOTAL EXPENSES FOR COMM COLLEGE SYSTEM OF NEW HAMPSHIRE				29,199,717	33,522,716
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMM COLLEGE SYSTEM OF NEW HAMPSHIRE					
GENERAL FUND				21,576,418	30,567,717
OTHER FUNDS				7,623,299	2,954,999
TOTAL FUNDS				29,199,717	33,522,716
TOTAL EXPENSES FOR COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE				29,199,717	33,522,716
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE					
GENERAL FUND				21,576,418	30,567,717
OTHER FUNDS				7,623,299	2,954,999
TOTAL FUNDS				29,199,717	33,522,716
CATEGORY:	06	EDUCATION			
DEPARTMENT:	50	UNIVERSITY SYSTEM			
AGENCY:	050	UNIVERSITY OF NEW HAMPSHIRE			
ACTIVITY:	506010	UNIVERSITY SYSTEM OF NH			
ORGANIZATION:	1855	UNIVERSITY SYSTEM OF NH			
STRIKE OUT					
084 University System of NH Fundin				55,000,000	55,000,000
INSERT IN PLACE THEREOF					
084 University System of NH Fundin				50,600,000	53,600,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	50	UNIVERSITY SYSTEM	(CONT.)		
AGENCY:	050	UNIVERSITY OF NEW HAMPSHIRE	(CONT.)		
ACTIVITY:	506010	UNIVERSITY SYSTEM OF NH	(CONT.)		
ORGANIZATION:	1855	UNIVERSITY SYSTEM OF NH	(CONT.)		
STRIKE OUT	TOTAL EXPENSES			55,000,000	55,000,000
INSERT IN PLACE THEREOF	INSERT IN PLACE THEREOF			50,600,000	53,600,000
TOTAL EXPENSES	TOTAL EXPENSES			18,382,000	8,295,000
STRIKE OUT	009 Agency Income			14,787,700	6,895,000
INSERT IN PLACE THEREOF	009 Agency Income			36,618,000	46,705,000
STRIKE OUT	General Fund			35,812,300	46,705,000
INSERT IN PLACE THEREOF	General Fund			55,000,000	55,000,000
STRIKE OUT	TOTAL FUNDS			50,600,000	53,600,000
INSERT IN PLACE THEREOF	INSERT IN PLACE THEREOF			50,600,000	53,600,000
TOTAL EXPENSES FOR UNIVERSITY SYSTEM OF NH	TOTAL EXPENSES FOR UNIVERSITY SYSTEM OF NH			50,600,000	53,600,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM OF NH	TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM OF NH			35,812,300	46,705,000
GENERAL FUND	GENERAL FUND			14,787,700	6,895,000
OTHER FUNDS	OTHER FUNDS			50,600,000	53,600,000
TOTAL FUNDS	TOTAL FUNDS			50,600,000	53,600,000
TOTAL EXPENSES FOR UNIVERSITY SYSTEM OF NH	TOTAL EXPENSES FOR UNIVERSITY SYSTEM OF NH			50,600,000	53,600,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM OF NH	TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM OF NH			35,812,300	46,705,000
GENERAL FUND	GENERAL FUND			14,787,700	6,895,000
OTHER FUNDS	OTHER FUNDS			50,600,000	53,600,000
TOTAL FUNDS	TOTAL FUNDS			50,600,000	53,600,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION	(CONT.)		
DEPARTMENT:	50	UNIVERSITY SYSTEM	(CONT.)		
AGENCY:	060	UNIVERSITY OF NEW HAMPSHIRE	(CONT.)		
TOTAL EXPENSES FOR UNIVERSITY OF NEW HAMPSHIRE					
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY OF NEW HAMPSHIRE				50,600,000	53,600,000
GENERAL FUND				35,812,300	46,705,000
OTHER FUNDS				14,787,700	6,895,000
TOTAL FUNDS				50,600,000	53,600,000
TOTAL EXPENSES FOR UNIVERSITY SYSTEM					
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM				50,600,000	53,600,000
GENERAL FUND				35,812,300	46,705,000
OTHER FUNDS				14,787,700	6,895,000
TOTAL FUNDS				50,600,000	53,600,000
TOTAL EXPENSES FOR EDUCATION				1,372,203,930	1,377,152,220
TOTAL ESTIMATED SOURCE OF FUNDS FOR EDUCATION				218,763,232	220,939,103
FEDERAL FUNDS				153,931,573	170,289,311
GENERAL FUND				7,777,517	7,895,977
SWEEPSTAKES FUNDS				991,731,608	978,027,829
OTHER FUNDS				1,372,203,930	1,377,152,220
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001	FISCAL YEAR 2012	FISCAL YEAR 2013
STATEWIDE		
TOTAL EXPENSES	5,239,526,988	5,239,044,381
TOTAL ESTIMATED SOURCE OF FUNDS		
FEDERAL FUNDS	1,590,825,347	1,577,929,510
GENERAL FUND	1,350,179,046	1,374,130,601
LIQUOR FUND	46,498,961	47,812,163
HIGHWAY FUNDS	305,013,056	301,361,263
TURNPIKE FUNDS	116,181,674	127,606,189
SWEEPSTAKES FUNDS	9,330,793	9,468,448
FISH AND GAME FUNDS	13,795,778	14,120,311
OTHER FUNDS	1,807,702,333	1,786,615,896
TOTAL FUNDS	5,239,526,988	5,239,044,381

Senate Finance
May 26, 2011
2011-2213s
01/10

Amendment to HB 1-A

Amend the bill by replacing all after 1.07 with the following:

1:08 Footnotes; General. For any state department, as defined in RSA 9:1 the following general budget footnotes that contain class codes shall apply to all specified class codes in section 1.01 through 1.07 unless specifically exempted.

A. The appropriation budgeted in class 023-utilities, class 027-transfers to DoIT, class 028-transfers to general services, class 041-audit funds set aside, class 042-additional fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers compensation, class 064-retiree pension benefit-health insurance, shall not be transferred or expended for any other purpose. For the fiscal year ending June 30, 2012, the following account numbers within the department of resources and economic development: 03-35-35-3515-3701, 03-35-35-3515-3745, 03-35-35-3515-3720, 03-35-35-3515-7300, 03-35-35-3515-3414, 03-35-35-3515-3556, 03-35-35-3515-3558, 03-35-35-3515-3484, 03-35-35-3515-3486, 03-35-35-3515-3488, 03-35-35-3515-3562, 03-35-35-3515-3415, 03-35-35-3515-3746, 03-35-35-3515-3777, 03-35-35-3515-8146, 03-35-35-3515-6161, 03-35-35-3515-3717 shall be exempt from these provisions. For the biennium ending June 30, 2013, the following account number 03-35-35-3515-3703 within the department of resources and economic development shall be exempt from these provisions.

B. The appropriation budgeted in class 047-own forces maintenance-buildings and grounds, class 048-contractual maintenance-buildings and grounds, shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2013. For the fiscal year ending June 30, 2012, the following account numbers within the department of resources and economic development: 03-35-35-3515-3701, 03-35-35-3515-3745, 03-35-35-3515-3720, 03-35-35-3515-7300, 03-35-35-3515-3414, 03-35-35-3515-3556, 03-35-35-3515-3558, 03-35-35-3515-3484, 03-35-35-3515-3486, 03-35-35-3515-3488, 03-35-35-3515-3562, 03-35-35-3515-3415, 03-35-35-3515-3746, 03-35-35-3515-3777, 03-35-35-3515-8146, 03-35-35-3515-6161, 03-35-35-3515-3717 shall be exempt from the shall not be transferred or expended for any other purpose portion of this provision. For the biennium ending June 30, 2013, the following account number 03-35-35-3515-3703 within the department of resources and economic development shall be exempt from the shall not be transferred or expended for any other purpose portion of this provision.

C. Revenue in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The appropriation budgeted in class 040-indirect costs are for general overhead state charges and such sums shall be transferred by the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 2013.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2013.

H. The funds in this appropriation are for the lease of state-owned equipment from the department of transportation operations division,

mechanical services bureau, and shall not be transferred or expended for any other purpose. Transfers may be made between funds appropriated in class 25 in other accounting units with prior approval of the capital budget overview committee and thereafter the fiscal committee and governor and council.

I. In the event that estimated revenue in revenue class 001-transfers for other agencies, 002-transfers from department of transportation, 003-revolving funds, 004-agency income, 005-private local funds, 006-agency income, 007-agency income, 008-agency income, 009-agency income is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting services forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits. For the fiscal year ending June 30, 2012, account number 02-46-46-4620-5731 within the department of corrections shall be exempt from these provisions. The provisions of this footnote do not apply to federal funds covered by RSA 124:14.

J. This appropriation, to be administered by the commissioner, is for the necessary equipment needs of the department and shall be expended at the commissioner's discretion.

2 General Fund and Total Appropriation Limits. The amounts included in section 1 for all university system accounts and community college system accounts, under estimated source of funds from general funds shall be the total appropriation from general funds for such accounting units that may be expended for the purpose of section 1 of this act. Any funds received by said systems from other than general funds are hereby appropriated for the use of the systems and may be expended by said systems whether or not this will result in an appropriation and expenditure by the system in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2013, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services shall, with the prior approval of the fiscal committee of the general court, and with the approval of the governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allocated or committed by any agency affected by this section for outside rental shall be transferred by the director of the division of accounting services to the bureau of general services, account 01-14-14-141510-2040 for maintenance of state buildings.

4 Lottery Commission; Authority Granted. For the biennium ending June 30, 2013, in order to provide sufficient funding to the lottery commission to carry out lottery programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new lottery programs, the expansion of any existing lottery programs, or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$6,000,000 for the biennium ending June 30, 2013.

5 Positions Abolished.

I. The following positions are hereby abolished effective at the close of business on June 30, 2011:

Executive Office

01-02-02-020510-1004	10008	18000
01-02-02-020510-1006	16664	
01-02-02-024010-6400	10025	
01-02-02-024010-6570	18426	

Department of Information Technology

01-03-03-030010-7708	10196	10201	10232	10237	10239
	10257	11211	12303	12422	12432
	12451	12463	12474	12482	12869
	14283	14387	14400	14624	16665
	16689	16690	16692	18294	18957
	19616	19819	20039	20287	30037
	30552	41009	41109	41111	41112
	41116	41119	41123	41127	41218
	42503	43152	12498	17182	41257
	43156	40489	19863	40054	20056
	41673	41117	40318	41639	43154
	17151	40333	10178	9U447	18960
	14988	30323			

Department of Administrative Services

01-14-14-140010-1042	10103				
01-14-14-140010-1350	41568	41567	16687		
01-14-14-140010-1360	18014				
01-14-14-140510-1310	10133	43171	40839	10069	10095
	30010				
01-14-14-140510-1330	43170				
01-14-14-141010-1044	10266	43169	41221	30022	30019
	10277				
01-14-14-141510-2006	18019				
01-14-14-141510-2040	16683				
01-14-14-141510-2042	16361	16380	16424	16443	41543
	41544	41545	41546	41547	43382
	42842				
01-14-14-141510-2045	40844	40011			
01-14-14-141510-2083	18672	41874	18021		
01-14-14-141510-2091	20412	21159	21625	21459	43184
01-14-14-141510-2098	41165				
01-14-14-141510-3403	10164	10171	30018		
01-14-14-141510-5320	43384				
01-14-14-141510-8050	10090				
01-14-14-142010-1370	10186	43178			

Real Estate Commission

01-28-28-280010-2054	11343
----------------------	-------

Joint Board Of Licensure And Certification

01-31-31-310010-2250	41307	42762
----------------------	-------	-------

Secretary of State

01-32-32-320010-7889	11353	40041
01-32-32-322510-1610	11352	
01-32-32-324010-5176	19617	14802

Department of Cultural Resources

01-34-34-340010-3431	19882				
01-34-34-340510-6718	16754	11427	11403	11431	
01-34-34-340510-7000	11401	11407	18105	11414	11438
01-34-34-340510-7008	11433				
01-34-34-341010-1250	13767	13770			

Department of Treasury

01-38-38-380010-1050	11585	11583			
----------------------	-------	-------	--	--	--

Board of Accountancy

01-51-51-510010-2115	42763				
----------------------	-------	--	--	--	--

Department of Revenue Administration

01-84-84-840010-7884	14462	18952	41210	41784	43621
	9U264				
01-84-84-840510-1301	14445	14450	14520	18232	19227
	19232	19270	41267	41276	43320
	43321	43561	43562	43563	
01-84-84-840510-1401	14447	14487	14509	14516	14521
	14527				
01-84-84-840510-1501	14432	14446	14452	14471	14472
	14475	14477	14502	18236	18964
	19963	19965	30526	30532	40617
	43620	9U340			
01-84-84-841010-5413	14438	18953	19970	19986	19987
	19989	30528	41243	41808	
01-84-84-841010-7885	14442	14506	18481	19984	

Board of Tax & Land Appeals

01-89-89-890010-1241	14584	41677			
----------------------	-------	-------	--	--	--

Developmental Disabilities Council

01-97-97-970010-7135	30585				
----------------------	-------	--	--	--	--

Adjutant General Department

02-12-12-120010-2233	41563	42520			
----------------------	-------	-------	--	--	--

Department of Agriculture

02-18-18-180510-2133	43609	43606	43607	43608	
02-18-18-182010-2700	10308				
02-18-18-183010-2137	41166	10309			
02-18-18-183510-2135	10299				
02-18-18-185010-2810	10300				

Department of Justice

02-20-20-200010-2601	10343	16702	41891	43340	
02-20-20-200510-2610	40850	9U501			
02-20-20-200510-2611	10342	9U358			
02-20-20-200510-2613	10338				
02-20-20-200510-2615	18495	18493	9U356		
02-20-20-201010-2620	9U286	9U039	9U285	16703	

Department of Safety

02-23-23-231015-2304	10453	40019	40021	40023	41897
02-23-23-232015-2316	18698				
02-23-23-232015-2320	10419				
02-23-23-232015-3110	18050				
02-23-23-233015-2302	41955	41956			
02-23-23-233015-2311	41582	10567	30075	41579	10373
	10557	30062	10660	10592	

02-23-23-233015-2312	10413	10470	18679	10377	
02-23-23-233015-2314	10450	10469	10594	10467	41925
	18680	18683	10492		
02-23-23-233015-2315	10487	10657	10399	10479	10610
	30073	41931	10476		
02-23-23-233015-3100	10447	10493	10494		
02-23-23-234015-2305	41792				
02-23-23-234015-4003	10715	10757			
02-23-23-234010-4008	41950				
02-23-23-234010-8239	14545	19566			
02-23-23-234015-4022	18063				
02-23-23-234010-4215	15799				
02-23-23-234015-8241	43345				
02-23-23-235010-5001	10367	10676	42569	41982	
02-23-23-234015-4003	42560				
02-23-23-236010-2740	18244	18247	42573		
02-23-23-236510-1395	40586	41160	41846	41856	41857
	41867	42541			
02-23-23-237010-4065	41984				
02-23-23-238010-5006	43350				
02-23-23-238010-5007	43212	43422			
02-23-23-238010-5895	30448	30449			
Insurance Department					
02-24-24-240010-2520	10956	41775			
Highway Safety Agency					
02-25-25-250015-3000	41589				
NH Employment Security					
02-27-27-270010-8040	11055	11056	11226	11227	11324
	19701	41606	43221		
Department of Corrections					
02-46-46-460010-7101	18575	41527			
02-46-46-460010-8301	13037				
02-46-46-460510-8334	43515	43516			
02-46-46-461010-8300	12839	16878			
02-46-46-463010-7113	12800	16885	9U367		
02-46-46-463010-7120	12830	12836	12891	12929	12947
	12998	12999	13026	16315	16328
	16346	16821	16865	16869	18471
	18843	18844	18845	18846	19246
	19248	19539	40181	40187	40191
	40195	40209	40210	40230	12909
	12962	16828	16860	18834	19237
	40741				
02-46-46-463010-7140	16926				
02-46-46-464010-8302	18775	19556	42272	18868	19917
	19918	19920	19923	30354	
02-46-46-464510-5172	18793	19258	19265	19540	
02-46-46-464510-7106	16880	18838			
02-46-46-464510-7107	12925				
02-46-46-465010-5833	12992	16278	16329	16335	16344
	16263	16285	16312	16332	30798
02-46-46-465010-8231	16325	16923			
02-46-46-465010-8234	12878	30346	9U335	9U322	

02-46-46-465010-8235	18832	18833	19928	30342	30898
	41377	12911	41461	41468	
02-46-46-466010-7111	12898	16896	18796	40166	40235
02-46-46-468010-8250	41318	41369	41446	41487	41516
	41319	41320	41339	41349	41422
	41445	41472	41480	41510	41515
02-46-46-469010-8232	12858	18853	42251		
Public Employees Labor Board					
02-73-73-730010-2006	19857				
Human Rights Commission					
02-76-76-760010-7882	42416	13938	18220		
NH Liquor Commission					
02-77-77-770012-1010	14325				
02-77-77-770512-7878	14247	14319	17083	41540	43301
02-77-77-771012-1023	14309	43619	14273	43600	
02-77-77-771512-1024	43597	43598	43614	43615	43617
	43618				
02-77-77-771512-1030	13986	13998	14012	14068	14070
	14117	14148	14157	14180	14199
	14218	14230	14249	14268	14295
	14328				
02-77-77-771512-1040	14293				
Public Utilities Commission					
02-81-81-810010-2812	18226	14381			
Racing & Charitable Gaming Commission					
02-86-86-860010-2210	43566	14546			
02-86-86-861213-2212	14425	14393	17114		
Department of Resources and Economic Development					
03-35-35-350010-3400	11457	11458	30187	11450	
03-35-35-350010-3401	11441	11523	42065		
03-35-35-350510-3600	16757				
03-35-35-350510-3610	40051				
03-35-35-350510-3612	40777	40778	40779	41309	
03-35-35-350510-5336	43645	43646	43648	43650	
03-35-35-351010-3505	43225	43226			
03-35-35-351010-3510	11477				
03-35-35-351010-3511	11471				
03-35-35-351010-3513	11482				
03-35-35-351010-3520	11575	11578	11570	11571	
03-35-35-351010-5300	19713				
03-35-35-351510-3414	42057				
Department of Environmental Services					
03-44-44-440010-1002	13046	13508	42126	19495	43235
	19530	12042	12077	19492	
03-44-44-440010-1011	13057	30258	19497	42130	
03-44-44-440010-1013	12021				
03-44-44-440010-3851	42722	18154	40156	19518	11388
03-44-44-440010-3853	14774	19524			
03-44-44-440010-3854	18461	18996	18997	19700	42726
03-44-44-442010-1000	12034	18555	12072	40497	41638
03-44-44-442010-1518	40143	42149			
03-44-44-442010-3800	19732	19517	30249	11394	

03-44-44-442010-3815	40158	19735			
03-44-44-444010-5401	16779				
03-44-44-444010-5402	18143	42206	42211	42178	19531
	19134	19528	19529		
03-44-44-444010-5492	14731	19139			
03-44-44-443010-5496	19631	19632			
03-44-44-443010-9100	17147	18162			
Fish And Game Commission					
03-75-75-750520-2118	13925				
03-75-75-751520-2150	40467				
03-75-75-752020-2132	13929				
03-75-75-753020-2288	19698				
03-75-75-753520-2163	13888				
Department of Transportation					
04-96-96-960515-5033	19674	21556	21559	21560	21618
04-96-96-960515-3005	17259	20249	21441		
04-96-96-960515-3007	19672	20568	21848		
04-96-96-960515-3008	20393	20400			
04-96-96-960515-3031	21862				
04-96-96-960515-5034	17390	17393	17398	17400	17401
	18561	18570	18662	21076	21077
04-96-96-960315-3017	20153	21597	21515		
04-96-96-962015-3021	17187	20436			
04-96-96-962015-3025	17223	17239	17247	17256	20192
	20227	20447	20587	20927	21028
	21776	21780	21794	21797	20147
	20150	20175	20202	20505	21026
	21055	21791	21793		
04-96-96-962015-3028	20065	20070	21630	21738	
	21319	21631			
04-96-96-962015-3032	19670	20205	21566		
04-96-96-962015-3033	20060				
04-96-96-962015-3034	20083	21236	21453	21863	
04-96-96-964010-2931	21866				
New Hampshire Veterans Home					
05-43-43-430010-5358	19466	42633	11971	43116	
05-43-43-430010-5359	41711	42672	42663	42673	42656
Department of Health & Human Services					
05-95-40-400010-5800	11735	11934	40886		
05-95-40-400510-5801	11776	11790	11796	11818	11859
	11872	11914	11933	16018	19449
05-95-40-401010-5842	19771	40112	40878	40880	40883
05-95-40-402510-5802	11803	11847	11876	12403	14779
	16037	16586	16963	19614	42107
	42108				
05-95-41-410010-5809	11633	16020	16256	16531	18511
	19448	42613	42625	42626	
05-95-41-411010-5810	11605				
05-95-41-411010-5813	11663				
05-95-41-411010-5814	18749				
05-95-41-412010-5811	11711	18122			
05-95-41-412010-5812	11634	11659	11664	11710	11720
05-95-41-412010-5815	11613	11619	11624	11628	11636

	11639	11641	11644	11646	11647
	11651	11653	40094	11660	11662
	11667	11674	11684	11690	11691
	11695	11698	11701	11716	11719
	11722	11726	11741	30201	30202
	30211	30215	11621		
05-95-41-412010-5817	11649				
05-95-41-412010-5821	16562	16643	16644	16645	16646
	16649	16650	16656	16657	16659
	18595	18597	19445		
05-95-45-450010-6125	12179	12511	12531	12612	30283
	30295				
05-95-45-450010-6127	11198	12581	12653	19760	
05-95-45-450010-6132	12295	12641	12703	12712	12721
	19756	41042			
05-95-48-480010-7873	30316				
05-95-48-480510-8930	16062				
05-95-48-480510-8931	12424	12491	15974	16149	16481
	30918	40394	41010	42755	
05-95-48-480510-9250	12344	12345	12505	12665	16161
	40538	40545	43250	43251	43253
05-95-48-481010-2202	14739	40325			
05-95-48-481010-7872	16217	40398			
05-95-48-481510-7856	14530				
05-95-90-900010-5110	14608				
05-95-90-901510-5497	42919	43327	43328	43374	
05-95-90-902010-5190	14635				
05-95-90-902010-9062	14832	19609			
05-95-90-902010-5260	42927				
05-95-90-902510-5170	14784	40321			
05-95-90-902510-5171	42871				
05-95-90-903010-5230	14693	14773			
05-95-91-910010-5710	12170	14846	14909	14920	15184
	15338	19644	19648	42967	42981
05-95-91-910010-5720	14872	19653	30581		
05-95-91-910010-5740	14620	30562	40351		
05-95-91-910010-7892	14864	40353	42986		
05-95-92-920010-5945	12313	14634	17149	30594	
05-95-92-920010-7877	40409				
05-95-93-930010-5191	14682	14783	42998		
05-95-93-930010-7164	15201	15326	15448	15452	15467
	15470	15487			
05-95-94-940010-7131	15750	40395			
05-95-94-940010-8400	16132	16141	16240	30943	
05-95-94-940010-8410	15794	16154	16394	16401	16459
	16495	16499	16500	15715	15698
	15718	15731	15739	15764	15783
	30869	16362			
05-95-94-940010-8750	15709	15711	15713	15744	15769
	15776	15777	15797	15813	15818
	15854	15878	15880	15883	15886
	15887	15921	15952	15958	15960
	15963	15965	16000	16011	16034
	16039	16043	16055	16056	16057

	16064	16090	16091	16094	16100
	40447	16103	40432	16109	16128
	16142	16143	16148	16162	16164
	16175	16182	16193	40431	16222
	16225	16228	16232	16236	16242
	16247	16530	16547	16548	16638
	18616	18631	18636	18637	30774
	30830	30838	30842	30848	30850
	30856	30857	30859	30860	30861
	30868	30901	30912	30927	30935
	30938	30939	30942	40388	40400
	40406	40412	9U439	16145	18640
	30925	16101			
05-95-95-950010-5010	19817				
05-95-95-950010-5025	30951				
05-95-95-950010-5076	12309	12338	12421	12457	12623
	14529	15917	15935	40972	
05-95-95-951010-5695	43000				
05-95-95-951010-5959	17151				
05-95-95-952010-5143	14769				
05-95-95-952010-5146	14628	18249	42994		
05-95-95-952010-5680	12199				
05-95-95-953010-5677	15689	15696	16593	19654	30899
	40456				
05-95-95-953010-5687	14963	16452	30282		
05-95-95-956010-6126	14831	14991	19143		
05-95-95-957010-5684	41029				
05-95-95-957010-6128	12155	12230	12255	12413	19146
	19781	40514	40518	40532	41098
	43339				
05-95-95-958110-5193	19624	41011	41014		
05-95-95-958310-5193	15271				
05-95-95-958410-1387	16599	42935			
05-95-95-958410-5367	16589	16592	16598	16610	17175
	17176				
05-95-95-958410-5370	19029	19030	19031	19032	19033
	19034	19035	19036	19037	19038
	19041	19042	19043	19044	19045
	19046	19047	19048	19049	42931
HHS: Administratively Attached Boards					
05-74-74-743010-7430	13062				
05-74-74-743510-7435	17373				
05-74-74-744510-7445	41538				
05-74-74-745010-7450	18933				
Department of Education					
06-56-56-560510-6002	13155				
06-56-56-560510-6003	19792	18339			
06-56-56-562010-3260	41208	13132	43255	13134	13314
06-56-56-562010-6401	13297				
06-56-56-562510-6525	18183	18184			
06-56-56-563510-4000	16943	13169	18879	41207	13291
06-56-56-564510-6094	13149	13193			
06-56-56-565010-6030	13206	13213	13205	13215	
06-56-56-565010-4082	9U299				

Postsecondary Education Commission

06-57-57-570010-5407	13326	13327	13329	16954	9U120
----------------------	-------	-------	-------	-------	-------

Lottery Commission

06-83-83-830013-1029	16635	18354			
----------------------	-------	-------	--	--	--

II. The following position is hereby abolished effective at the close of business on July 15, 2011:

Board of Tax & Land Appeals

01-89-89-890010-1241	9U168				
----------------------	-------	--	--	--	--

III. The following positions are hereby abolished effective at the close of business on September 22, 2011:

Department of Revenue Administration

01-84-84-840010-7884	14484	14501	41274	41787	
01-84-84-840510-1501	14461	14483	14489	18235	18238
	19967	41781	41782		

IV. The following positions are hereby abolished effective at the close of business on December 31, 2011:

Department of Health and Human Services

05-95-94-940010-7131	15748	15871	15774	15822	15835
	15845	15857	15865	15869	16171
	15873	15891	15898	15900	15909
	15915	15929	15936	15937	15948
	15966	15967	15971	15972	43337
	15976	15980	15981	15987	15996
	16006	16008	16015	16028	16046
	16048	16050	16076	16095	16117
	16122	16144	16156	16177	16216
	16318	16527	16571	18617	18619
	18624	18628	19002	19003	19004
	19005	19006	19007	19008	19009
	19010	19011	19012	19013	19014
	19015	19016	19017	19018	19019
	19020	19021	19022	19023	19026
	19027	30824	30825	30833	30854
	30855	30863	30866	30894	30921
	30923	30924	30936	43336	40426
	40434	40449	43329	43330	43331
	43332	43333	43334	43335	

V. The following positions are hereby abolished effective at the close of business on June 30, 2012:

Department of Corrections

02-46-46-460510-8333	43513	43514			
----------------------	-------	-------	--	--	--

Department of Health and Human Services

05-95-90-902510-5171	42876				
----------------------	-------	--	--	--	--

Department of Transportation

04-96-96-960515-5034	17395	17402	17403	18562	18661
	18663	21685			

6 Department of Health and Human Services; Reduction in Appropriation. In the event that estimated restricted revenues collected by the department of health and human services in the aggregate are less than budgeted, during the biennium ending June 30, 2013, the total appropria-

tions to the department of health and human services shall be reduced by the amount of the shortfall in either actual or projected revenue. The commissioner of the department of health and human services shall notify the bureau of accounting, in writing, no later than April 1st of each year as to precisely which line item appropriation and in what specific amount reductions are to be made in order to fully compensate for the total revenue deficits.

7 Department of Health and Human Services; Division of Child Support Services; Payments to the Administrative Office of the Courts. The appropriation in account 05-95-95-957010-5029, class 49, includes funds for payment to the administrative office of the courts in accordance with the cooperative agreement between the division of child support services and the administrative office of the courts. The division of child support services and the administrative office of the courts shall, prior to payment of such funds, enter into a cooperative agreement specifying in detail the services to be performed by the administrative office of the courts and the estimated costs of such services. Any change or modification in the services to be performed shall likewise be agreed to in writing and specify the change and the adjustment to the costs. Funds appropriated for these purposes shall be paid only after demonstration by the administrative office of the courts that it consistently transmits court orders to the division of child support services in accordance with the cooperative agreement.

8 Department of Transportation; Highway Fund Reporting. For the biennium ending June 30, 2013, the commissioner of the department of transportation shall submit a report detailing the status of the highway fund balance to the house and senate ways and means committees, the fiscal committee of the general court, and the governor and council on a quarterly basis.

9 Legislative Branch; General Fund Appropriation Reductions. The legislative branch shall reduce state general fund appropriations by \$1,000,000 for the fiscal year ending June 30, 2012 and by \$1,000,000 for the fiscal year ending June 30, 2013.

10 Department of Information Technology; Appropriation Reductions.

I. The department of information technology, in consultation with the department of administrative services, shall reduce appropriations of the department by \$1,663,653 for the fiscal year ending June 30, 2012 and by \$1,809,244 for the fiscal year ending June 30, 2013 in order to agree with income received from state agency class 27 appropriations for said fiscal years. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the class lines which will be reduced as a result of this section.

II. The department of administrative services, in consultation with the department of information technology and impacted agencies, shall reduce appropriations in class 27 for any agency where the appropriation exceeds the amount necessary for the provision of information technology services to that agency. Said reductions shall total \$952,486, of which not less than \$378,588 shall be state general funds, for the fiscal year ending June 30, 2012, and shall total \$689,061, of which not less than \$270,576 shall be state general funds, for the fiscal year ending June 30, 2013. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the reductions required by this section.

III. The department of information technology, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in a reduction of state class 27 appropriations by \$571,618, of which \$547,426 shall be general funds, in the fiscal year ending June 30, 2012 and by \$505,907, of which \$497,411 shall be general funds, in the fiscal year ending June 30, 2013. As part of achieving these reductions, the department of information technology shall implement a pilot program to use open source software in certain state agencies in an effort to reduce costs. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the reductions required by this section.

11 Judicial Branch; General Fund Appropriation Reductions.

I. The judicial branch shall reduce state general fund appropriations by \$9,158,822 for the fiscal year ending June 30, 2012 and by \$12,086,800 for the fiscal year ending June 30, 2013. The branch shall not reduce the transfers to the department of administrative services for court facilities unless the reduction is agreed to by the commissioner of administrative services and the chief justice of the supreme court.

II. The branch shall provide a quarterly status report beginning July 1, 2011 to the fiscal committee of the general court on the implementation of recommendations contained in the innovation commission report. Said report shall include, but not be limited to, cost savings, position changes, and other successes and challenges as a result of such implementation.

III. On or after April 1, 2012, if the judicial branch has successfully implemented the innovation commission report to the extent feasible to that time, has demonstrated a nonjudicial, full-time position count reduction from 538 to 500, and is continuing the implementation, the judicial branch may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding for the fiscal year ending June 30, 2013. The governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

12 New Position; Department of Information Technology. There is established in the department of information technology a systems development specialist VI position for the purpose of implementing the business one stop project. In addition to any other sums appropriated to the department of information, the sum of \$89,889 for the fiscal year ending June 30, 2012 and \$91,284 for the fiscal year ending June 30, 2013 is appropriated for the purpose of funding the position. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Department of Corrections; General Fund Appropriation Reductions. The department of corrections shall reduce state general fund appropriations by \$6,000,000 for the fiscal year ending June 30, 2012 and \$7,000,000 for the fiscal year ending June 30, 2013. The department shall not close the North Country Facility located in Berlin as a result of meeting the required reductions. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

14 Department of Revenue Administration; General Fund Appropriations Reductions.

I. The department of revenue administration shall reduce state general fund appropriations for classes 010, 011, 012, 013, 014, and 015 contained in section 1 of this act by a total of \$1,000,000 for the fiscal year ending June 30, 2012, and \$1,000,000 for the fiscal year ending June 30, 2013.

II. The department of revenue administration shall reduce state general fund appropriations in class 060, benefits, contained in section 1 of this bill by \$87,775 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

15 Department of Safety; Highway Fund Appropriations Reduction. The department of safety shall reduce highway fund appropriations by \$1,065,489 for the fiscal year ending June 30, 2012 and \$974,964 for the fiscal year ending June 30, 2013. The department shall provide a bi-monthly report of reductions made under this section to the fiscal committee of the general court.

16 Department of Environmental Services; Reduction in Appropriations. The department of environmental services shall reduce appropriations in class 080, out of state travel, by \$221,917 for the fiscal year ending June 30, 2012 and by \$217,832 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

17 Department of Health and Human Services; New Hampshire Hospital. For the biennium ending June 30, 2013, the New Hampshire hospital contract for psychiatric service funded in appropriation 05-095-090-940010-87500000, class 102, shall not allow or fund contractor indirect costs greater than 10 percent.

18 Department of Safety; Navigation Safety Fund Appropriations Reduction. The department of safety shall reduce appropriations from the navigation safety fund by \$675,560 for the fiscal year ending June 30, 2012 and \$677,293 for the fiscal year ending June 30, 2013. The department shall provide a bi-monthly report of reductions made under this section to the fiscal committee of the general court.

19 Department of Transportation; Highway Fund Appropriation Reductions.

I. The department of transportation shall reduce highway fund appropriations by the following amounts and include the following position reductions:

Accounting Unit	Description	FY 2012	FY 2013	Position Reductions
04-96-96-9640-3030	Rideshare/Bike/Ped Program	\$64,051	\$64,246	1
04-96-96-9630-3049	Non-Participating Cons/Recons	\$20,000	\$20,000	0
04-96-96-9655-3018	Transfers to Other Agencies	\$500,000	\$500,000	0
04-96-96-9620-3022	SPR Planning Funds	\$193,913	\$193,913	0
04-96-96-9620-3025	Highway Design Bureau	\$98,711	\$97,702	4
04-96-96-9620-3033	Bridge Design Bureau	\$54,504	\$54,687	1
04-96-96-9620-3034	Materials and Research Bureau	\$66,379	\$68,161	1
04-96-96-9605-3007	Highway Maintenance Bureau	\$2,397,131	\$2,465,329	42
04-96-96-9605-3008	Bridge Maintenance Bureau	\$437,251	\$448,169	7
04-96-96-9605-3009	Traffic Operations	\$315,315	\$319,909	5
04-96-96-9605-3052	Transportation Management Center	\$137,625	\$138,682	2
04-96-96-9605-5034	Lift Bridge Operation	\$42,205	\$42,636	1
04-96-96-9603-3027	Employee Training	\$70,745	\$71,088	0
04-96-96-9603-5031	Office of Stewardship & Compliance	\$313,172	\$316,757	4
Total		\$4,711,002	\$4,801,279	68

II. In addition to the reductions in paragraph I, the department of transportation shall reduce highway fund appropriations further by

\$18,050,468 for the biennium ending June 30, 2013. The department shall submit a plan detailing the plan for the total reduction required under this section to the fiscal committee of the general court for approval by July 1, 2011.

20 Department of Cultural Resources; General Fund Appropriations Reductions. The department of cultural resources shall reduce state general fund appropriations by \$536,533 for the fiscal year ending June 30, 2012, and by \$539,643 for the fiscal year ending June 30, 2013.

21 Department of Justice; General Fund Appropriation Reduction. The department of justice shall reduce state general fund appropriations by \$484,834 for the fiscal year ending June 30, 2012 and \$484,834 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

22 Transfer of Funds from Highway Fund to Department of Resources and Economic Development. The sum of \$200,000 is hereby appropriated from the highway fund to the department of resources and economic development for the biennium ending June 30, 2013, and shall be used for the purpose of funding the operations of 4 existing rest areas at the following locations: US Route 3 in Colebrook, I-89 in Lebanon, US Route 2 in Shelburne, and I-93 in Littleton. These funds shall not lapse until June 30, 2013.

23 Estimates of Unrestricted Revenue.

GENERAL FUND

	<u>FY 2012</u>	<u>FY 2013</u>
BUSINESS PROFITS TAX	\$256,480,000	\$263,648,000
BUSINESS ENTERPRISE TAX	<u>62,854,000</u>	<u>64,585,000</u>
SUBTOTAL BUSINESS TAXES	319,334,000	328,233,000
MEALS AND ROOMS TAX	214,642,000	221,322,000
TOBACCO TAX	129,453,000	133,050,000
TRANSFER FROM LIQUOR COMMISSION	131,400,000	137,700,000
INTEREST AND DIVIDENDS TAX	84,500,000	86,900,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	82,400,000
REAL ESTATE TRANSFER TAX	52,562,000	54,030,000
COURT FINES & FEES	13,800,000	14,000,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,300,000	13,300,000
RACING & CHARITABLE GAMING	0	0
OTHER REVENUES	69,300,000	69,400,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>2,400,000</u>
SUBTOTAL	1,258,591,000	1,292,435,000
MEDICAID ENHANCEMENT TAX	98,600,000	106,600,000
MEDICAID RECOVERIES	<u>18,300,000</u>	<u>18,400,000</u>
TOTAL GENERAL FUND	<u>1,375,491,000</u>	<u>1,417,435,000</u>

EDUCATION FUND

	<u>FY 2012</u>	<u>FY 2013</u>
BUSINESS PROFITS TAX	54,960,000	56,496,000
BUSINESS ENTERPRISE TAX	<u>125,706,000</u>	<u>129,171,000</u>
SUBTOTAL BUSINESS TAXES	180,666,000	185,667,000
MEALS AND ROOMS TAX	7,058,000	7,278,000
TOBACCO TAX	100,847,000	103,650,000
REAL ESTATE TRANSFER TAX	26,238,000	26,970,000

TRANSFER FROM LOTTERY COMMISSION	77,000,000	85,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,900,000	4,000,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,500,000	28,500,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	827,309,000	844,165,000
HIGHWAY FUND	FY 2012	FY2013
GASOLINE ROAD TOLL	124,500,000	124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>44,600,000</u>	<u>43,600,000</u>
TOTAL HIGHWAY FUND	<u>277,400,000</u>	<u>276,400,000</u>
FISH AND GAME FUND	FY 2012	FY2013
FISH AND GAME LICENSES	8,960,000	8,960,000
FINES AND MISCELLANEOUS	<u>1,875,000</u>	<u>1,875,000</u>
TOTAL FISH AND GAME FUND	<u>10,835,000</u>	<u>10,835,000</u>

24 Effective Date. This act shall take effect July 1, 2011.

SENATOR MORSE: Thank you, Mister President. I am pleased to move House Bill 1 Ought to Pass with Amendment. I'd first like to thank the members of the Finance Committee for all their hard work and dedication in crafting this budget. Senator Odell, Senator Bragdon, Senator Barnes, Senator D'Allesandro, and Senator Forrester, thank you very much.

And, now I ask you all to join me in thanking my assistant. The reality is, I come in at 6:30 and try to leave by 6:00 at night, and she comes in at 8:00 and she tries to leave by some hour that I don't know, because she answers the phone every time I'm trying to leave myself a message back here into the night. But, the reality is, the Senate should be very proud of what Shannon's done in this budget process.

It took long days and nights, and I couldn't be more proud of the efforts displayed by my colleagues with creating this budget. We had an extremely difficult task before us, and each member of the Committee rose to meet the challenge.

Over the last four years, state spending increased over 24 percent at a time when the economy was falling and unemployment was rising. We as a committee refocused state government on its priorities while accounting for nearly \$400 million in federal funds not available this biennium and over \$20 million in new debt service payments resulting from previous budgetary decisions. This budget spends \$4,457,000,000 over the biennium: 11 percent less than the previous two-year period. The budget projects modest revenue growth of 1.3 percent and approximately \$30 million surplus, which will increase the Rainy Day Fund to almost \$42 million.

In crafting this budget, the Senate made difficult decisions necessary to balance our budget while keeping three principles in mind: Live within our means. The Committee produced a truly balanced two-year budget which represents an 11 percent reduction in spending over the previous biennium without new taxes, fees, or bonding of operating expenses.

Help those who need it most. The Committee worked to restore funding to services for the disabled, for mental health services, for children and adult scholarships to low-income students, and to public safety.

Reform the way government does business. The budget puts priority on spending in order to reduce costs and shrink the size of government, including the elimination of over 1,000 state positions while still maintaining the core services. The budget includes reforms of the State's retirement system and education formula and directs the appropriate departments to begin the process of implementing managed Medicare, the privatization of Cannon Mountain, and the privatization of the Department of Corrections.

In the area of health and human services, the budget is passed by the Governor, and the House appropriated no funding for the DD waiting list. The Senate Finance Committee appropriated \$2 million in '12 and \$4 million in '13. The Senate Finance Committee restored approximately \$20 million for the biennium for the developmentally disabled services. In mental health, the Senate Finance Committee budget restores \$10.5 million in '12 and \$7.6 million in '13 for services for children and adults that implement reforms similar to the managed Medicare reforms, mental health services are reformed by making changes from a fee-for-service model to a capitated per-member per-month model and coordinating mental health and substance abuse through a mental health home model.

CHINS: The Governor's budget eliminated the truant population from being eligible for this program and reduced community-based services, both of which are the least intensive. The House eliminated the program, saving over \$7 million in year '12 and '13. The Senate Finance Committee restored \$1.9 million in '12 and \$2.3 million in '13, which will allow the 50 most intensive, expensive cases to be served. The appropriation will allow the receipt of federal funds.

Healthy Kids: The Governor's budget eliminated the Healthy Kids board and moved services provided by Healthy Kids into the Department of Health and Human Services. Instead, the House required Healthy Kids program to be rolled into a managed Medicare reform, which is anticipated to start in FY '13. I believe in the budget we moved that up to FY '12. The House appropriated funding for the transition until reform begins. The Senate maintains the House position, but requires reporting for Healthy Kids. We want progress to be reported to the Fiscal Committee.

The State's share of the retirement subsidy: The Governor appropriated no funding in '12 and '13 for the State's subsidy to cities and towns for participating in the New Hampshire retirement system, resulting in increased costs to the taxpayers. The House and Senate share the goal of comprehensive retirement reform, as you'll see later in Senate Bill 3. In the first year, overall rates paid to the cities and towns borne by the taxpayers will be roughly the same after reforms, and zero state subsidy, as would have been the fact in the Governor's budget, should be covered. With reforms in SB 3, in future years, local taxpayers will avoid massive tax increases caused by the current broken retirement system.

Retiree healthcare: The Governor increased premium contributions for retirees and their spouses from \$65 to \$100 per month. The House budget capped General Fund payments for the purposes of retiree healthcare at \$27 million in each year of the budget. They took a savings of \$7.9 million in '12 and \$11 million in '13. Instead of capping the amount of General Funds available for retiree healthcare, the Senate Finance

Committee budgeted the increased premium contributions; they put in a co-pay and went from \$65 to \$115 per month with additional changes to the benefit plan and co-pays, generating approximately \$10.3 million in savings over the biennium.

Senate Finance instructed the Commissioner of Admin. Services to work with Anthem and Compass to offer incentive to retirees for the use of low-cost services and expands other utilization incentives to encourage the use of these low-cost services.

Uncompensated care: The Governor took \$20 million in each year from the budget from his account line and used it towards provider payments. The House followed suit by taking an additional \$55 million in '12 and \$60 million in '13. The Senate was unable to fill the \$115 million shortfall for the purpose of funding uncompensated care to hospitals. However, the Commission of Health and Human Services is required to present a plan detailing the disbursement of uncompensated care payments and is authorized to make payments to hospitals in '13 based on the amount of excess budgeted funds available in presenting to Fiscal. Approximately \$35 million was set aside for the purpose of funding uncompensated care in 2013.

UNIQUE: The Governor and the House applied UNIQUE funds to the university system and to the community college system operating expenses. The Senate restored \$400,000 of UNIQUE money for private college scholarships to low-income students.

This budget is just the first step. It's balanced; it reflects the Senate's commitment to living within our means, helping those in need, and reforming our state government. Reforming state government is a long-term process, not a short sprint to meet the June 30th deadline. We will continue to make reforms over the summer, into the fall, and throughout the next legislative session. We will continue to hold the line on spending and look for additional savings.

I'd like to take a minute to thank all of the staff who were involved in the years of this budget process, especially the staff of LBA. They have gone above and beyond to serve the House and the Senate during this process. We wouldn't have been able to make this happen without their work. Many of them worked all weekend long, into the night, and I want you to know that we all truly appreciate what you do for us.

The support system we worked with, such as Kristy and Jay, who worked with the Senate Finance Committee, their dedication can never be understated. And, to all of the other staff members that helped the Senate Finance Committee, we owe you a debt of gratitude.

The Finance Committee recommends this bill Ought to Pass as Amended, and we ask for your full support. Thank you.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: It is my pleasure to make a personal "Thank you for coming to the gallery" of the Kensington Elementary School. I also know that we have the 4th graders here from that school, as well as Mrs. Knightly, a teacher: hello; Mrs. Haug, teacher: hello. And, also, a very special person, a selectwoman of Kensington, Stephanie Johnstone. Thank you all for coming; I hope you enjoy it.

PRESIDENT BRAGDON: Thank you, Senator Prescott. I would also point out that during the discussion on HB 1, there was a group from Senator Kelly's district that passed through the gallery but are no longer there. Let's see; where were they from?

SENATOR KELLY: Thank you, Mister President. Yes, I'm sorry that they had to leave. But, they are from the Mountain Shadow School in Dublin, and they are outstanding students, as are many, many of our students here in New Hampshire. But, what is really, I think, particularly impressive about these students is they get to wake up every single day and they get to see Mount Monadnock.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15.

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2241s

05/03

Floor Amendment to HB 1-A

Amend the bill by inserting after section 23 the following and renumbering the original section 24 to read as 25:

24 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
05-95-95-9500-7136	Uncompensated Care Fund	General Funds	\$16,000,000	\$16,000,000
Total appropriations and charges as included				
General fund			\$32,000,000	

SENATOR D'ALLESANDRO: Thank you, Mister President. While the amendment is being passed out – I want everybody to have it. I want to make some introductory remarks before I address my amendment. First, to tell all of the members of the Senate how diligent their Finance Committee's Chair was in terms of putting the budget together. I have great respect for that process, and want to say, without hesitation, that the job that he did certainly has to be recognized for its effectiveness and certainly hard work. I want to make sure that everyone recognizes that. And, to truly say to those who supported us, particularly the Legislative Budget Office, no one could have been more responsive to our needs and more willing to serve us any time when we had expressed concerns about the process, and I think that's extremely, extremely important. They're down people, and yet they answered every call, and I certainly appreciate that, having spent time working with them over a number of years.

So, with that aside, Mister President, I'd like to make one comment, and that is: The Senate always does better with the budget, and I think this is an example of us doing better. But, my comments are: We can do better, and we must do better to protect the citizens of the State of New Hampshire. I offer you Floor Amendment 2241s by saying this:

Uncompensated care – the DISH money – is very, very important to all of the hospitals in the State of New Hampshire. It's important because they serve those who have no other place to go, and the services rendered, obviously, have to be paid for. The methodology that's been in place has been the uncompensated care fund, created by the tax – the DISH money: the disproportionate share money. That money, for years, for the last 20 years, has been distributed back to the hospitals and the State has kept the match.

Let me read from a letter that I received from the New Hampshire Hospital Association:

“As you well know, this budget, if passed, will wreak havoc on the health-care infrastructure and safety net in New Hampshire. It will increase the cost of health insurance for businesses and individuals, threaten the availability of essential healthcare services that our communities depend upon, and result in the loss of jobs and economic stability.”

Let's focus on two things: the loss of jobs and economic stability, both of which are primary concerns of everybody in this room: the loss of jobs and economic stability. We are living in one of the most serious economic downturns in the history of our country, and anything that loses jobs and does something to affect the economic stability of any system has to be considered and considered seriously. The action that this amendment provides will restore to these hospitals a portion of the money that they need to pay for uncompensated care. We are taking money and putting into the revenue stabilization account. We don't need money in the revenue stabilization account; we need money to take care of the people of the State of New Hampshire! That's why we have a revenue stabilization account! When the need arises, you use those funds to take care of people! People! We all represent people. We know, as Senator Barnes points out time after time after time, we don't have a full-care veterans' hospital in New Hampshire; we're the only state in the United States without one. Where do our veterans go? They go to the local hospitals; they go to the VA center to get what they can in terms of service. What can't be given there is relegated to the local hospitals, or they have to travel out-of-state. Where do our indigent people go? They go to the emergency room of our local hospitals. How many of you have been to the emergency room in the last month? I was; I had to take my wife to the emergency hospital. I had to wait like everybody else – I don't get any special treatment – all day, because there were so many people there being serviced. I have Medicare. I have the ability to pay. There were others there without the ability to pay. They were not going to be denied service. Who pays? And who will pay? Those who have insurance will see their premiums escalate. They will pay. What I'm asking this Senate to do is to take some of the monies that we have built into the revenue stabilization account and restore them to the uncompensated care for the hospitals that are receiving nothing. We've got to keep these services in place; people need these services. Once we have a system that takes care of everyone, the need for uncompensated care will dissipate. That's the plan; that's the plan of the future. But, it's not the situation that exists now.

I implore my fellow Senators to recognize the fact this is a rainy day. Not tomorrow; today is a rainy day. And, when the rain comes, we have the ability to protect those in need. Let's do it! Let's manifest the courage, the desire, to make the difference. Each one of us can make a difference in the lives of the people we serve – the lives of the people we

serve – because that’s why we chose to come here: to make a difference in the lives of the people we serve. My colleagues, I implore you to vote for this amendment. Make a difference. Make a difference in the lives of the people we serve. We serve together. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in support of this amendment. And, what I wanted to do was talk about the implications for one particular institution: Dartmouth-Hitchcock Medical Center. And, this may sound like a parochial issue in that it’s in Senate District 5, but I assure you that it’s not. Dartmouth-Hitchcock Serves residents throughout the State of New Hampshire, not just those in the Upper Valley. In fact, not just Medicaid patients, obviously, but patients throughout the state who depend upon DHMC for specialized care that is unavailable elsewhere in the state.

So, I want to talk about the background; what’s the situation today? In fiscal year 2010, Dartmouth-Hitchcock served over 43,000 individual New Hampshire Medicaid patients throughout the state, with more than 2,000 admissions to DHMC and 154,000 office visits. The cost of caring for these patients – these Medicaid patients – totaled \$88 million. New Hampshire’s Medicaid’s regular payments for the services were just \$28 million, leaving DHMC with a \$60 million shortfall. Now, under this budget, eliminating the Medicaid uncompensated care payments will push this shortfall to nearly \$100 million a year. Dartmouth would be paying to provide the service.

So, I wanted to talk about some of the negative impacts of that \$40 million uncompensated care payment elimination. Senator D’Allesandro noted jobs will be lost, stifling the rebound in what is a difficult economy. Something unique to Dartmouth, the ability for them to sustain underfunded services such as the neonatal intensive care unit at CHAD – the event we all go to every year – and the air transport program, the helicopter, which serves the entire region, will be harmed, as well.

Finally, this is clearly a cost shifting. Medicaid losses will go to private payers, which will then...insurance rates will rise. For these reasons, Mister President, I ask for your support of this amendment. Thank you very much.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. And, if you’ll allow me to read from a document – you probably all remember this; it was back in February.

“We looked at reducing provider rates, but the federal government has made it clear that it will likely reject reductions to provider rates. So, we chose a third option. We are redirecting \$20 million in uncompensated care payments the State now makes to hospitals to help maintain Medicare optional services. As the biggest providers of care, and now the owners of many physician practices, the hospitals would experience a financial impact if we choose to reduce provider rates or cut benefits. Our hospitals provide excellent services to our citizens: the doctors, nurses, the other staff members working at our hospitals, provide high-quality care comparable to that offered anywhere in the country. But, from a financial perspective, the hospitals can afford this change. Hospitals get millions of dollars in tax breaks for being nonprofits, but according to their latest public filings, the top 200 executives of 24 nonprofit hospitals

made a collective \$60 million. Collectively, the New Hampshire non-profit hospitals generated cash over their expenses of over \$200 million. Instead of using the excess cash to reduce healthcare costs, hospitals spend it on advertising trying to attract market share from each other, on buying physicians and laboratory practices across the state, and then increasing overhead charges for patients. They're pouring revenues into multimillion-dollar new facilities. In the last five years, hospitals have launched \$500 million in capital projects and another \$50 million-worth of projects currently pending before the certificate of need board. Most of these expansions are discretionary, and the facilities are driving up utilization costs. Those are costs that we see in our ever-increasing health insurance premiums. To that I say: "Enough." That was the Governor of the State of New Hampshire.

I can tell you when Senate Finance said we were living within our means and we were going to help those that need it the most, we truly discussed this issue because we saw what the House did. But, when it comes down to it, I don't think it would be prudent to support this amendment when it's not going to the rainy day fund the way we crafted the budget. There's \$32 million at the end of the biennium. At the end of the biennium, we've put it into law in the back of the budget that the Commissioner can come to the Fiscal Committee and talk about this issue. But, to budget every single penny to be spent before we deal with the fact that 2011 isn't balanced – there's \$22 million the Governor needs to come up with in either cuts or revenues between now and the end of the year. And, the other issue that's lingering in the State of New Hampshire is a fine from the federal government for \$35 million on this issue that we're talking about right now.

I don't think it would be prudent to support this amendment at this point in time, and I ask you to vote "no".

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes. The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2245s

03/05

Floor Amendment to HB 1-A

Amend the bill by replacing all after section 22 with the following:

23 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropria-

tions and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
05-95-48-4810-8915	Congregate Housing	General Funds	\$737,000	\$737,000
05-95-90-9025-2227	STD Prevention	General Funds	\$344,000	\$344,000
06-50	University System	General Funds	\$4,000,000	\$4,000,000
06-58	Community College	General Funds	\$1,000,000	\$1,000,000
System of New Hampshire				

Total appropriations and charges as included

General fund \$12,162,000

24 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	<u>\$256,480,000</u>	<u>\$263,648,000</u>
BUSINESS ENTERPRISE TAX	<u>62,854,000</u>	<u>64,585,000</u>
SUBTOTAL BUSINESS TAXES	319,334,000	328,233,000
MEALS AND ROOMS TAX	220,548,000	227,325,000
TOBACCO TAX	129,453,000	133,050,000
TRANSFER FROM LIQUOR COMMISSION	131,400,000	137,700,000
INTEREST AND DIVIDENDS TAX	84,500,000	86,900,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	82,400,000
REAL ESTATE TRANSFER TAX	52,562,000	54,030,000
COURT FINES & FEES	13,800,000	14,000,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,300,000	13,300,000
RACING & CHARITABLE GAMING	0	0
OTHER REVENUES	69,300,000	69,400,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>2,400,000</u>
SUBTOTAL	1,264,497,000	1,298,438,000
MEDICAID ENHANCEMENT TAX	98,600,000	106,600,000
MEDICAID RECOVERIES	<u>18,300,000</u>	<u>18,400,000</u>
TOTAL GENERAL FUND	<u>1,381,397,000</u>	<u>1,423,438,000</u>
EDUCATION FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	54,960,000	56,496,000
BUSINESS ENTERPRISE TAX	<u>125,706,000</u>	<u>129,171,000</u>
SUBTOTAL BUSINESS TAXES	180,666,000	185,667,000
MEALS AND ROOMS TAX	7,252,000	7,475,000
TOBACCO TAX	100,847,000	103,650,000
REAL ESTATE TRANSFER TAX	26,238,000	26,970,000
TRANSFER FROM LOTTERY COMMISSION	77,000,000	85,000,000
TRANSFER FROM RACING	3,900,000	4,000,000
& CHARITABLE GAMING		
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,500,000	28,500,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	827,503,000	844,362,000
HIGHWAY FUND	FY 2012	FY 2013
GASOLINE ROAD TOLL	124,500,000	124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>44,600,000</u>	<u>43,600,000</u>
TOTAL HIGHWAY FUND	<u>277,400,000</u>	<u>276,400,000</u>

FISH AND GAME FUND	FY 2012	FY2013
FISH AND GAME LICENSES	8,960,000	8,960,000
FINES AND MISCELLANEOUS	1,875,000	1,875,000
TOTAL FISH AND GAME FUND	<u>10,835,000</u>	<u>10,835,000</u>

25 Effective Date. This act shall take effect July 1, 2011.

SENATOR D'ALLESANDRO: Thank you, Mister President. I'll speak to the amendment once it's passed out.

I believe everyone should have the amendment. Mister President, what this amendment does is it corrects a miscalculation in terms of the anticipated revenues from the rooms and meals tax. In looking at the base, rather than taking the gross, we took the net, and as a result of that, \$6 million will occur in '12, and about \$6,250,000 will occur in '13. Both of these have nothing to do with any increase in taxation but have to do with the correction of a miscalculation. That was brought to my attention a couple of times by an outside entity, and I did speak with the Chairman of Ways and Means about it; I brought it to his attention. With this additional \$12,250,000, it seems to me things that were left unpaid for the in budget should be taken care of. Let me go through these items with you, because I think they affect all of us.

The first are the funds for congregate housing. There are 240 people who receive these services. They get help with their meals, they get help with housecleaning, they get help with transportation, and other little services. I received a letter from a 96-year-old woman in my district who said without these services, she would have to go to a nursing home. The next step in a nursing home, obviously, is the end of her life. By receiving these services, she's able to stay in her apartment; she's able to live a good life for what's left of her life. Why should she be denied that? If 19 of these 240 people have to be put into a nursing home, the cost will exceed the appropriation – the cost will exceed the appropriation. If all of these people were to enter a nursing facility, the additional cost would be \$9 million in the first year and an additional \$9 million in the second year, resulting in a cost of \$18 million. And, it costs the State about \$40,000 a year – that's our portion of the payment to retain these people in a nursing facility.

There are four cities that receive this support: Manchester, Keene, Laconia, and I think the other one is Nashua. Very, very important to the individuals receiving these services. Most of them are elderly women.

The second restoration would come to the STD program. We know that if we don't address the STD program now, we're going to pay for it later; the cost will be extremely high. I've talked to Dr. Montero about this; this is high on his list. He is our Director of Public Health for the State of New Hampshire. He recognizes the severity of the loss of these funds. They are significant to the health and wellbeing of many of our constituents.

The third item is a restoration to the university system of New Hampshire: \$4 million in each year of the biennium. The hit taken by the system is incredible. We graduates of the university system recognize that accessibility and affordability to that institution – to Plymouth, to Keene, to the other schools – made a significant difference in our lives. Many of us base our careers on the fact that we were well educated at a public university that was affordable. We could go there; we could receive the kind of academic support that we needed. Without that, the tuitions will rise, and we're going to create a financial gap between the haves and the have-nots. And, that gap has been growing over the years.

The last thing we do is restore \$1 million a year to the community technical colleges or the community college system. We know enrollments at the community college system are up by about 14 percent. Why? Because in this uncertain economy, you must get an education. The education provided by the community technical college system is an enhancement. Once you have an articulation agreement that's been recognized between the two-year schools and the four-year schools, your ability to go on is enhanced; you can transfer as a full junior. So, you've got two years taken care of at a reasonable cost and you can move on to a four-year institution.

We can't deny this opportunity to the people we serve. I remember Senator White saying at a hearing the only time he really recognized the quality of education was when he had to pay for it. This gives an opportunity to pay but also have a place for you to pay – an opportunity for you to pay. We cannot – we cannot – disregard those who are coming behind us; they are our future. We've got two people here – they're our future. Postsecondary education provides an opportunity. Don't deny that opportunity to the people we serve.

I implore you, my colleagues, to vote for this amendment. It's not any new money – we're not asking for any new money. These are funds that will be realized from our existing revenue source and carried forward to take care of little things that we couldn't take care of in the budget process. It's doing a little bit better, and we're all committed to doing a little bit better. And, any time we can do that, we've really done our job as public servants. So, my colleagues, I ask you to support this amendment with a positive vote. Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in support of Floor Amendment 2245, and I want to speak specifically to the issue of funding for the university and community college systems. Maybe I should ask Senator D'Allesandro to do it for me.

Some of you may have read in a *Union Leader* column over the weekend a bit of information that I know took me aback: According to the Director of the American Association of State Colleges and Universities, the cuts proposed to the university system are the deepest of any nationwide. To quote the Director: "That will go down as the biggest cut in the U.S. this year, and arguably, in history."

With all due respect to my colleagues who have worked so hard on this budget and, I believe, made significant improvements, I have to say that I find that quote to be a sad commentary on the state of the budget here in New Hampshire, and a disheartening commentary on the outlook for our public university system, and therefore the economy and the New Hampshire families and students that it serves.

We've all heard about the important role of the university system and the community college in promoting innovative business growth in New Hampshire and providing the workforce for those businesses; I hope that that's widely understood. And, I also hope that there will be agreement that the goal of providing quality higher education to New Hampshire students is a key function of the university system of New Hampshire as well as the community college system. And, I would like to point out that one of the truly positive developments I've seen during my time in the Legislature is the increased collaboration that we're seeing between those two systems, which I think just makes good sense.

I believe that we do offer rich and varied opportunity to our high school graduates. But, I fear that the cuts proposed in this budget and decreases in financial support will make higher education in New Hampshire a bigger financial stretch than ever for our families. We will see further tuition hikes in our schools. The budget decreases called for simply cannot be done without increasing tuition. The modest restoration of funds proposed in this amendment will at least to some extent offset those inevitable tuition hikes and perhaps make a difference for some of our families. It will also say that we recognize the central role of our public universities and colleges, that we're proud of them, and that we do support the goals and dreams of our New Hampshire students. Thank you, Mister President.

(The Chair recognized Sen. Odell for a question of Sen. D'Allesandro.)

SENATOR ODELL: Senator D'Allesandro, thank you. I'm just curious, because I think you said that there was no added money necessary to pay for the things that are encompassed in Amendment 2245. And, I assume then that what you're doing is taking this from the surplus that shows up on the surplus statement out of the \$32 million that was there?

SENATOR D'ALLESANDRO: Thank you very much for the comment, Senator Odell. No; that isn't what I meant. What I meant was, when we calculated the revenue from rooms and meals, we made a mistake and went from the net rather than the gross. So, there was \$6 million more. So, it's not taking it from the revenue stabilization account; it's accounting for additional revenues in rooms and meals in the two years: \$6 million in the first year and \$6.25 million in the second year. Thank you.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I do rise in support of this amendment, and know that all of the issues that have been discussed in regard to the funding of five of these issues are important. But, I would just like to, as Senator Merrill addressed some concerns I have in regard to funding for the university system and the community college.

My concern is without some additional funding, and I know this is, again, a moderate additional funding – we are still lacking, I think, some important funding to the university system and the community college. But, you know, without this amendment and additional funding, I feel that there will be a direct negative impact on new jobs and on our economic growth here in New Hampshire. How will we sustain our growth in our economy if we do not have an educated workforce? What is the message that we as state leaders are giving to our young people? Do we tell them: "We don't need you; your education is not important to us"? How will they be prepared to compete in the 21st century? There are consequences to not funding our education system, and in particular, the university and the community college. Any cuts to the community college will certainly affect the educating of today's young people and people who are currently working. So, it's education and training for today's workforce, which is essential for our economic growth. I really feel that these cuts that we have made to the community college do not support business; they're really anti-business. I have manufacturers who contact me on a daily basis. And, what they say to me is: "Manufacturing is growing, in particular, precision manufacturing. I have job openings, but I don't have any trained and educated workers for my workforce." They're looking for students coming out of the community college. They've been working with the community college; the barrier between education and business has

been broken, and people are communicating on both sides to make sure that we are providing for our manufacturers the workers that they need. With these cuts and without additional funding, I am really concerned that we are just moving backwards instead of forwards, that all the progress we have made by working together with the community college and the university system and manufacturers is going to be lost, and I am very concerned that New Hampshire will not be prepared to compete in the 21st century. So, I ask my colleagues to support this amendment, if for nothing more than to increase jobs and to work together to move this economy to where it needs to be. Thank you.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. The purposes of this amendment are noble. But, I will tell you that nobody has worked harder with the community college system nor the university system, including last night when I was talking to the chancellor about the circumstances that affect the university system. But, I will address the revenue side of this, because this is where we went down the road that got us into this problem. If there's some concern about the way that the rooms and meals tax was allocated in terms of the revenue for fiscal years 2012 and 2013, remember it was in this chamber we started down this road. And, what did we do? The majority voted to bond school building aid. And, unlike what happened last week with Senator Boutin, general fund bonding. Not the school building aid. What did we do? We grabbed the meals and rooms tax as a revenue source so we could float those bonds. The Treasurer has spoken to many of us: "Don't do that again. Please, don't do that again." I'm telling you that we go and say that there's going to be more money in rooms and meals, that is speculation. So far this year, we're off \$7.5 million – a little under \$750,000 per month. It's an uncertain tax. This is not something where we ought to inflate it over and above the unanimous committee vote in the Ways and Means Committee. And, there was a consensus there that we were on track, we were being responsible, and we were being reasonable. I would point out to you just from yesterday's *New York Times*, their lead editorial: "The numbers are grim. A month ago, when an initial gauge of first quarter economic growth came in surprisingly weak, many policymakers and economists expected the bad news to prove fleeting. But when revised data was released last week, the growth estimate remained stuck at an annual rate of 1.8 percent compared to 3.1 percent at the end of last year – last year being just five months ago. I point that out because if you look at the revenue projections, whether you take rooms and meals or you take communications tax, what we said is over the biennium the growth would be 1.3 percent – 5 percent below this number that's shown here. We have to be prudent, reasonable, and responsible. I also would tell you from yesterday – I was big on the *New York Times* yesterday – "House prices are set to hit another low." They're talking about home ownership being as low as it was in the 1960s when I was an economics major in college. That's the changed economy: People are renting and they're not buying. The projection for last month, April, alone, for the decline in the number of deals – that would be signed agreements for the purchase of a home – was projected to fall by 1 percent; it fell by over 11 percent, and shocks the real estate market. Now, to come in and say that after the hard work of the Ways and Means Committee we can just say because we have these needs, which I would love to fill, we're going to increase the revenue projections, I can assure you that is how we caught up and have this problem today; that bonding tied to the

revenue stream means every time we take in a dollar in meals and rooms we have to deduct some of it for servicing the debt that we've created right here on the floor of this Senate. So, this is not a good thing to do; I support, and I think are meritorious, the goals of this amendment. But, the fact is, it's not reasonable – absolutely not reasonable – to change our meals and rooms projection for the next two years.

(The Chair recognized Sen. Larsen for a question of Sen. D'Allesandro.)

SENATOR LARSEN: Senator D'Allesandro, I understood that we are in fact not increasing our growth projections in rooms and meals, but in fact through this we are recognizing that there was an error in the transcription of this, where they calculated gross versus net. Am I correct in that understanding?

SENATOR D'ALLESANDRO: Thank you for the question, Senator Larsen. Yes; you're correct.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. And, first let me say to the Chair of the Ways and Means Committee, I applaud his work. I've worked closely with him for a number of years, and on many of these things, we have a corresponding view. I was absolutely opposed to the bonding situation; I voted against that, and as all of you may know, I voted against the operating budget that's in place. I did that because of the articulation by the Chair as to bad business; it's bad business policy to create a bond and then designate a revenue stream to pay for that bond.

But, let me just say this about the rooms and meals: I've followed rooms and meals ever since I've been in this Senate. Prior to that, I followed it in the House. It is the most predictable source of revenue that we have. And, when I chaired Ways and Means, I would project a 15-year program adjusted for rate increases that clearly indicated how we could make the best decisions with regards to rooms and meals revenues. This miscalculation is exactly that; it was a miscalculation. It doesn't mean that I'm increasing the rate or anything of that nature. The real revenues derived correspond with what we have done, and when you add this miscalculation to it, you arrive at \$12,250,000 in additional resources.

Now, what I can give you as facts are a) rooms and meals is the most predictable source of revenue that we have; b) when I look at the reserves from tolls collected, they're at the highest they have been in years, which means people who come here are still coming, they're paying their tolls, and as a result of that, if I did a little extrapolation, these people eat, stay in rooms, and, as a result, pay the rooms and meals tax. That's why I think this assumption is a good one. And, as a result of that, I ask my colleagues to do something with that additional revenue that will enhance the lives of the people that we represent. As I said to you, I'm the beneficiary; I'm a university graduate. My daughter is a university graduate. My son graduated from Plymouth State University. I have received the benefits of education in this state. My children have received the benefits of education: K through 12 in the public sector and in the postsecondary sector. I recognize the value of education – I recognize the value of education. And, many of my colleagues in this chamber recognize the value of education. We cannot live with a reduction in funding that's the highest in the United States of America. We have done less for postsecondary education than any state in the union. And yet, we're first in so many, many other

things; we're first in our quality of life, we're first in health. We want to stay that way. We have an educated workforce; we've got to keep that educated workforce going. Our university is a land grant university; it's a space grant university; it's a sea grant university – one of the few in the whole country that possesses those three designations – those three designations. We, on the entrepreneurial side, do tremendous things in space. Many of the satellites that go up are taken care of by the R and D at the University of New Hampshire. We have a gem that we must sustain, and that gem must be accessible to all of the people of this state. We know we're desirable by out-of-state people; they want to come to our university system. Please think of that before you cast your vote; think of our community college system. And, many of you have a community college in your district; I have one in mine; there are seven of them throughout the state. The university system, which is the University of New Hampshire, Plymouth, Keene, Granite State College: they're all players; they're all players in the economic wellbeing of this state. So, I ask my colleagues to vote in the affirmative. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I'll make this very brief. I serve under our capable Chairman in Ways and Means, and I do want to point out that it was a unanimous vote in Ways and Means on the revenue numbers. I don't believe there was any discussion in Ways and Means about mistakes on revenue, so I'm a little surprised that this is coming now.

Secondly, if you look at the economy, we just heard today, in the last two weeks, every single economic indicator has been below forecast. We are in very tenuous times, and I think we need to be very careful with our revenue numbers.

And, thirdly, our Ivy League college in this state, I believe, has been able to rein in their budget close to \$100 million. If they've been able to do that, I think we can do the same at the state level. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

Yeas: 6 - Nays: 18

Failed.

Sen. Larsen offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15.

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2244s

03/05

Floor Amendment to HB 1-A

Amend the bill by replacing all after section 22 with the following:

23 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
05-95-95-9560-6138	SCHIP	General Funds	\$1,709,000	\$3,540,000
Total appropriations and charges as included				
General fund			\$5,249,000	

24 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	\$256,480,000	\$263,648,000
BUSINESS ENTERPRISE TAX	<u>62,854,000</u>	<u>64,585,000</u>
SUBTOTAL BUSINESS TAXES	319,334,000	328,233,000
MEALS AND ROOMS TAX	220,548,000	227,325,000
TOBACCO TAX	129,453,000	133,050,000
TRANSFER FROM LIQUOR COMMISSION	131,400,000	137,700,000
INTEREST AND DIVIDENDS TAX	84,500,000	86,900,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	82,400,000
REAL ESTATE TRANSFER TAX	52,562,000	54,030,000
COURT FINES & FEES	13,800,000	14,000,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,300,000	13,300,000
RACING & CHARITABLE GAMING	0	0
OTHER REVENUES	69,300,000	69,400,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>2,400,000</u>
SUBTOTAL	1,264,497,000	1,298,438,000
MEDICAID ENHANCEMENT TAX	98,600,000	106,600,000
MEDICAID RECOVERIES	<u>18,300,000</u>	<u>18,400,000</u>
TOTAL GENERAL FUND	<u>1,381,397,000</u>	<u>1,423,438,000</u>
EDUCATION FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	54,960,000	56,496,000
BUSINESS ENTERPRISE TAX	<u>125,706,000</u>	<u>129,171,000</u>
SUBTOTAL BUSINESS TAXES	180,666,000	185,667,000
MEALS AND ROOMS TAX	7,252,000	7,475,000
TOBACCO TAX	100,847,000	103,650,000
REAL ESTATE TRANSFER TAX	26,238,000	26,970,000
TRANSFER FROM LOTTERY COMMISSION	77,000,000	85,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,900,000	4,000,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,500,000	28,500,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	827,503,000	844,362,000
HIGHWAY FUND	FY 2012	FY 2013
GASOLINE ROAD TOLL	124,500,000	124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>44,600,000</u>	<u>43,600,000</u>
TOTAL HIGHWAY FUND	<u>277,400,000</u>	<u>276,400,000</u>

FISH AND GAME FUND	FY 2012	FY 2013
FISH AND GAME LICENSES	8,960,000	8,960,000
FINES AND MISCELLANEOUS	<u>1,875,000</u>	<u>1,875,000</u>
TOTAL FISH AND GAME FUND	<u>10,835,000</u>	<u>10,835,000</u>

25 Effective Date. This act shall take effect July 1, 2011.

SENATOR LARSEN: Thank you, Mister President. What you will have before you very shortly is an amendment to use that very same miscalculation in the rooms and meals revenues to fund the HealthyKids program in the second year of the biennium. As you already heard, we're not talking about renewing and changing our estimates, but in fact correcting an error that was brought to our attention, and I thought brought to some of the leadership in Ways and Means attention. This revenue estimate miscalculation is, again, rooms and meals money. But, what we suggest that we would use to repair the problem of underfunding the HealthyKids program, and in fact eliminating the HealthyKids program in the second year of the biennium. HealthyKids is already a successful managed care program, and no one knows the cost –

PRESIDENT BRAGDON: Will the member yield for one moment? As I look at the amendment before us and I listen to what you're saying, I want to make sure that we have the correct amendment?

SENATOR LARSEN: That is correct.

PRESIDENT BRAGDON: Okay. Got it. Thank you. Continue.

SENATOR LARSEN: HealthyKids incorporates the program known as "SCHIP". HealthyKids is a successful managed care program, and we do not know the cost or the quality or the timing of these proposed managed care programs that are going in. The budget, as it's designed, will eliminate funding for HealthyKids in the second year of the biennium. That will leave 822 children who are currently buy-ins to the program uninsured as a result of this action. These are kids who get coverage and cost nothing to the State or the federal government. Their parents pay the full premium, and it's a reduced-cost premium. What I don't understand is why we would eviscerate a successful, low-cost, not-for-profit, not state government healthcare program covering 10,000 kids and move it to an uncertain future with a State-run program. This program has a partnership with 2,900 partners across the state – healthcare partners – and \$3.4 million in hospital discounts. So, they're negotiated for the HealthyKids program. This partnership has been able to negotiate discounts from hospitals and physicians and dental organizations that will not be available to a State-run program. When you shift HealthyKids into a State-run program, that dental coverage is going to go away. So, it makes no sense to cripple an existing healthcare operation that could in fact be the managed care system for all of our Medicaid recipients, and include adults someday, to eviscerate that program before we know where we're going with the next step. The use of Medicaid children in emergency rooms is more than double what kids in the HealthyKids program use. So, we're going to increase our costs in Medicaid for kids who are now uninsured who will have to go to the emergency room because they haven't been in preventative healthcare treatment as is currently offered under the HealthyKids program. So, what you have before you is an amendment to allow HealthyKids to continue in the second year of the biennium to offer to these 835 kids who are not subsidized and not to transfer the HealthyKids Silver, who are in the 9,000 range – 9,000 kids. HealthyKids Gold has been under the Medicaid program, and that

covers 77,000 kids. But, one of the things HealthyKids has been very successful at is making sure that we are one of the states with the highest number of children who are insured in the country. And, that is because HealthyKids has offered an affordable product, it's offered a product that is available to people, and they actually help parents walk through what is a very complicated application process to make sure they understand it. And, in the second year, when they need to renew, they help with renewal, because oftentimes a parent with many other pieces of paper on their desks don't renew. They reach out and get these kids back in under an insurance program. So, what you have in this floor amendment is a way to pay for the second year for HealthyKids, and we work with them during that year to see if there's a way they can in fact expand their role as a non-government, not-for-profit, affordable healthcare management system, currently for kids, but possibly for adults in the future. You will also note that being a fiscal conservative such as I am, this bill raises \$12 million – accepts \$12 million in funds – but in fact does not fully expend that amount, allowing some more to go into the precious rainy day fund. So, I ask for your support for this. I think each of you understands – and some of you have grandchildren in the HealthyKids program – but I think each of you understands the effectiveness of this program and the ability that it has offered for us to move HealthyKids into healthy adults, further saving our state in the long-run investment in a healthy population. Thank you, Mister President, and I will ask for a roll call when it comes time.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I just rise to join Senator Larsen in this amendment. And, you know, I know that all of you here agree that every child should be able to wake up every morning of their life healthy and well, and if they're not, they should have access to healthcare; I don't think that's a question; I think we all agree with that. My concern is, you know, if we have, which we do, a New Hampshire nonprofit, New Hampshire HealthyKids program, CHIPS, that runs efficiently, it provides responsible services, it collaborates successfully in their efforts with schools, with other healthcare facilities and many other entities and they're successful in providing the services that I know are important to all of us, why would we then propose to move this program into state government, when I have heard from many of you that you question really, truly, what the role of government is. And so, why would we move this into state government? So, I would support this amendment and continue to fund HealthyKids in the second year, as it is. Thank you.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I would just want to point out how hard the Senate struggled with this. The reality of this whole thing is – and I can go back to the Governor's speech, because I study these things all year long to find out where we agree and where we disagree; that's why I study them. That's why I always pull it out the last day, to look at it. The Governor eliminated HealthyKids. For the life of me, I couldn't figure out why we're pulling things back in to government that are functioning out on their own. So, don't think that Senate Finance didn't test every part of this. We went to Senator White about the kids that are under 300 and 400 percent and said: "Do we need legislation to make sure that they can be provided healthcare?" The answer was: "No." We checked with the Department several times;

Katie Dunn testified in front of us at least twice, saying the right way to go was bring this in under the department system. Even that didn't satisfy Senate Finance. As you will see in the back of the budget, they put language in there to make sure that we study this transition. I applaud all of you that are fighting for it. The Governor led the way on it. It's a difficult decision. I applaud him for leading. But, the reality is, that was decided, we need to make a change with managed care in this state, and I would say it's time to move forward. We guaranteed the fact in the budget that we would study this right through the process to make sure it was implemented properly. And, I'm sure if there's a problem there, you will continue to point it out. Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I do serve on the board of HealthyKids as the Senate representative, and, like Senator Morse, struggled with this; was very surprised when we heard from the Governor back in February about the elimination, generally would favor private, nonprofit governance over a state agency handling the function. But, I didn't take a position, because it is a complex issue, and I'm not going to take one today. But, I will say, I'm very thankful that the Finance Committee has chosen to keep a tight rein on this situation, because I question two number that have been bandied about throughout the budget: the first one is the supposed \$6 million of savings that is going to materialize from this transition. I question that because the managed care model that's used under HealthyKids ensures that that care is generally received in a cost effective facility, whereas Medicaid being unmanaged, at least for the time being, oftentimes that care's going to be received in the emergency room. And so, the disconnect for me is that even though the services may be the same, and even though Medicaid enjoys a much lower reimbursement rate than HealthyKids does, if the setting is different, the fact of the matter is those costs could actually be higher. So, I do question that \$6 million number, and I'm going to question it one last time publicly, for the record. And then, the second number I question is the million-dollar performance bonus that's on the revenue side of the Governor's budget, which is derived from meeting certain performance criteria which have never been met in the past and I don't believe are going to be met going forward, because we do have one of the lowest uninsured populations in the country in terms of kids, and so I don't believe those numbers are attainable, either. So, I believe that if you take the revenue side, which I don't think the bonus is going to come in, and you take the cost side, where I don't think \$6 million of savings is going to come in, I think there's some problems there. So, I, again, will not take a position on HealthyKids pro or con, but I will, one last time, call into question those numbers here on the Senate floor, and would ask the Finance Committee to keep a very close eye, because I know you checked and double-checked and triple-checked those numbers on the record, and hold people accountable if they don't materialize, because they won't be able to say that nobody questioned these when they came up; I'm questioning them today.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Houde, White, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 6 - Nays: 18

Failed.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. We now have what I assume is a package for HB 1. And, I would say, and applaud the work of the Finance Committee and the Ways and Means Committee. But, it still is a package that I would say is a bit of the good, a little of the bad, and a lot of the ugly. Some of the good is the restoration of some monies for the developmental disabilities and some monies for mental health, compared to the House version. The bill restores some small programs that we actually heard a lot about – the Shellfish Protection Program, the spas and pools protection for our upcoming summer visitors and residents. The bill restores some money to the community technical education programs in our high schools. The bill restores some money to the community college, some money to the university.

The bad part of this bill: We are taking what is, I think, a treasure in New Hampshire, Cannon Mountain, and we are saying it's up for private purchase, lease...not purchase, but lease. And, we're saying that this operation, which has made the State \$1 million this year, will in fact be leased out to the highest bidder. We've heard that Cannon Mountain, in fact, is supporting the operation at the Flume. We've got a summer coming up; we're a tourism state. All of those programs that they work so hard to make successful and have succeeded at Cannon Mountain, we're offering it up to the highest bidder.

Another bad feature of this is how we are dealing with our corrections system. While they may be behind bars and deserve absolutely everything they are getting, this is a \$4 million reduction that our own Commissioner cannot attest to will be able to be saved, will be able to be accomplished, with the more than 2,000 human beings who are behind bars in our state. We have not listened to our Corrections Commissioner, and apparently aren't going to, but I worry what we are doing to our corrections system. We have some savings we hopefully will achieve over the long run in that we've passed the Justice Reinvestment Act and maybe, over the long run, will be able to reduce corrections spending. But, that takes an investment in our community population. Meanwhile, there are a lot of folks behind bars; there are a lot of needs and overtime costs; any number of things where we are not meeting the need in our corrections system.

And, some of the worst, and what I would call the ugly parts of this budget: I'm very sad what we're doing to our UNIQUE Program, and I know it started right at the beginning of this budget process. But, this was a program that provided scholarships to the most needy kids in our state. And, I know we're in tough times, but we're taking the endowment monies that protected and preserved low-income scholarships to kids across the state – or any adult who is qualifying with income review. We're taking those monies and putting them into offsets from the general fund. We're not doing well by our CHIS kids; Senator D'Allesandro pointed out that we're meeting the 50 most needy kids, but I believe that leaves hundreds of kids unaddressed and who will end up in our local jails, end up as drug addicts, whatever, alcohol abusers, and we are not meeting

those needs. You already heard about HealthyKids; it's very unfortunate that we are decimating that program. And, I think the biggest thing is, I think one of our responsibilities is to continue to invest in our state. And, this budget, as every budget, is a picture of what we value in this state. What do we want to invest in? And, one of the things that we have always invested in is education. And, I think we are not addressing the long-term needs of our population to be able to support themselves; higher education is the way people support themselves. It doesn't have to be universities; it can be the community college. It can be the ability to get an OSHA certification in your CTE program, which then encourages you to go on to community colleges. But, those investments are the long-term investments for our state, and I don't think we're meeting our responsibilities here, today. We are also – we've been working very hard to find ways to offer affordable healthcare, and obviously one of those, affordable healthcare in HealthyKids, is being reduced and eliminated.

One of our jobs, too, was to find a way to promote jobs. We want to see job growth in this state, and we have seen it better than some of the Northeastern states. But, our investments in job growth, in preparing people for jobs, I don't believe this budget is meeting that need, as well as leaving some of our most vulnerable still unserved. You will hear, as we discuss House Bill 2, some of the concerns we have for both the developmental disabilities population, for our elderly as we eliminate programs like the RSVP program, the foster grandparent program – I don't even know what's happened to Meals on Wheels at this point. But, some of our investments that keep our elderly well off and functioning in their homes I fear we're doing in.

So, those are the good, the bad, and the ugly. It is a budget which I recognize is made in a very difficult time, and I believe that this state can do better; I believe that we have ways to invest and put our money in those most important issues. And so, that's why I will be voting "no" on House Bill 1. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. Ought to Pass with Amendment, Vote 6-1. Senator Morse for the committee.

Senate Finance

May 27, 2011

2011-2221s

01/09

Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other provision of law, for each fiscal year of the biennium ending June 30, 2013, the state treasurer shall fund the distribution of revenue to cities and towns pursuant to the formula for determining the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year 2011 distribution.

2 Suspension; Revenue Sharing. Notwithstanding any provision of law to the contrary, RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending June 30, 2013.

3 Reference to Revenue Sharing Removed. Amend RSA 31:94-d to read as follows:

31:94-d Debt During Transition Period. Towns, cities, and counties which have adopted the provisions of RSA 31:94-a may incur debt under the provisions of RSA 33 in an amount not to exceed 1/3 of all taxes assessed on April 1 of the year following adoption of RSA 31:94-a, excluding payments upon outstanding debts, said debt to be discharged in not more than 20 years. For the purposes of this section, taxes assessed shall include all taxes reimbursed to the town, city or county ~~[in accordance with the provisions of RSA 31-A]~~. Debt incurred pursuant to this section shall not be included in the debt limit of the town, city or county, and the funds borrowed pursuant to this section shall be used only to defray additional costs that result from the adoption of an 18 month transitional accounting period.

4 Repeal. School Portion of Revenue Sharing; Education Trust Fund. RSA 198:39, I(j) relative to inclusion of the school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4, is repealed.

5 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal year ending June 30, 2012 an amount of \$120,000, and for the fiscal year ending June 30, 2013 an amount of \$120,000, received from the recording surcharge collected by registrars of deeds under RSA 478:17-g, II(a) shall be deposited in the land and community heritage investment program administrative fund under RSA 227-M:7-a, and the remainder of funds received for the surcharge shall be credited to the general fund.

6 School Building Aid; Alternative School Building Aid.

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, and notwithstanding the school building aid funding provisions of 2009, 144:11, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved on or after June 30, 2011 through June 30, 2013.

II.(a) The commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the state fire marshal or designee determines, based on reasonable information and belief, that:

(1) The condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons, and requires remediation prior to July 1, 2013; or

(2) A structural deficiency in the function or operation of a school building or portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more than a technical violation of the fire code, and requires remediation prior to July 1, 2013.

(b) Any school building aid provided under a waiver granted pursuant to this paragraph shall be limited to the costs associated with the remediation of the conditions or structural deficiencies set forth in this paragraph.

III. Paragraph I of this section shall not apply to the Unity School District for the project approved by the town at a special meeting held on August 23, 2010.

7 Driver Training Fund. Amend RSA 263:52 to read as follows:
263:52 Driver Training Fund.

I. The proceeds from original license fees as provided in RSA 263:42 and the vanity plate service fee collected in accordance with RSA 261:89, plus the fee for the renewal of the use of such plates, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended ~~[solely]~~ for ~~[courses of instruction and training in]~~ **course materials, licensing of schools, and certification of instructors in connection with** safe motor vehicle driving conducted in or under the supervision of secondary schools. ~~[After all costs of administration of the program each year of the biennium have been reserved, the balance which is appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year.]~~ Such balance shall be kept in a separate fund. ~~[which shall be paid out on or before September 15 of each year to participating schools prorated on a per-pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council;]~~ The commissioner of safety ~~[jointly with the commissioner of education]~~ shall adopt, pursuant to RSA 541-A, and publish, rules governing the courses of instruction and training ~~[and determining eligibility of secondary schools to receive moneys from the fund established by this section].~~

II. The \$40 vanity plate service fee and the fee for renewal of vanity number plates shall automatically be credited to the driver training fund until all fees in such fund equal the amount of money estimated by the general court as available for expenditure for ~~[the]~~ **course materials, licensing of schools, and certification services in connection with** driver training ~~[program]~~ from that fund for that fiscal year~~[-which shall include \$150 for each pupil who has completed the driver education program]~~. Once the **driver training course materials, licensing of schools, and certification services have been funded in accordance with the legislative estimates** ~~[have been matched]~~ for the current fiscal year, **the next 1.5 million dollars shall be transferred to the department of safety as restricted revenue, thereafter** the balance of all such fees shall be transferred to the general fund and shall be available as unrestricted revenue.

8 Driver Training; Rulemaking Authority; Commissioner of Safety. Amend RSA 21-P:14, I to read as follows:

I. The commissioner of safety shall ~~[act jointly with the commissioner of education to]~~ develop and adopt rules, under RSA 541-A, relating to driver education courses to be given in the secondary schools of the state and motor vehicle drivers' schools licensed under the provisions of RSA 263:44, and relating to the licensing of the schools and of their teachers and instructors, which rules shall cover the subjects of:

- (a) Facilities and equipment.
- (b) The educational background and other qualifications of teachers and instructors.
- (c) Curriculum and hours during which instruction may be given.
- (d) Amounts of insurance with respect to training vehicles and other facilities of the school, which may be in addition to any other insurance coverage required by law.
- (e) ~~[Payments to secondary schools or districts.]~~

(f) Admission and advertising practices, together with terms of enrollment, of schools licensed under the provisions of RSA 263:44.

(g) Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.

(h) Any other subject which in the judgment of the ~~commissioners~~ **commissioner** requires rulemaking to promote the effectiveness of driver education courses.

9 Repeal. RSA 21-N:6, VI, relative to administering department responsibilities for driver education, is repealed.

10 Workers' Compensation; Administration Fund. Amend RSA 281-A:59, III to read as follows:

III. Each insurance carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw a warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed the amount appropriated for *the fund, which shall include* the budget of the workers' compensation division of the department of labor for the fiscal year in which the assessment is made *and all other costs of administering this chapter*. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

11 Department of Health and Human Services; Direct Graduate Medical Education; Suspension. Notwithstanding 2010S, 1:40, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) effective July 1, 2011 through June 30, 2013. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct graduate medical education shall be suspended for the biennium ending June 30, 2013.

12 Department of Health and Human Services; Indirect Graduate Medical Education; Suspension. Notwithstanding 2010S, 1:83, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of indirect graduate medical education payments to hospitals effective July 1, 2011 through June 30, 2013. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of indirect graduate medical education shall be suspended for the biennium ending June 30, 2013.

13 Department of Health and Human Services; Authority to Fill Unfunded Positions. Notwithstanding any provision of law, the commissioner of the department of health and human services may fill unfunded positions during the biennium ending June 30, 2013, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

14 Repeal. The following are repealed:

I. RSA 137-G, relative to the catastrophic illness program.

II. RSA 6:12, I(b)(145), relative to application of receipts from the catastrophic illness fund.

15 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. Notwithstanding 2009, 144:160 and 2010S, 1:84, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals effective July 1, 2011 through June 30, 2013.

16 Department of Health and Human Services; Program Eligibility; Additional Revenues; Transfer Among Accounts.

I. For the biennium ending June 30, 2013, the department of health and human services shall not authorize, without prior consultation with the house health and human services and elderly affairs committee and the senate health and human services committee and the approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase or decrease enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.

II. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2013, the fiscal committee of the general court and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues in excess of \$50,000, that are in addition to the budgeted amounts, from any source, which become available to the department; provided, that such expenditures do not increase eligibility standards or benefit levels.

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2013, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all accounting units within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department, with the exception of class 60 transfers.

17 Mental Health Services System; Definitions. Amend RSA 135-C:2, II-a to read as follows:

II-a. "Advanced practice registered nurse" or "APRN" means an advanced practice registered nurse licensed by the board of nursing who is ***certified as a psychiatric mental health nurse practitioner by a board-recognized national certifying body.***

18 Mental Health Services System; State-Funded Clients. Amend RSA 135-C:5, II to read as follows:

II. The commissioner or designees may conduct site visits and may otherwise audit and monitor all aspects of the administration, fiscal operations, and services of the program providing the service to determine compliance with the rules authorized under RSA 135-C:61. Auditing and monitoring may include review of the individual records of ***persons with severe mental disabilities, persons who receive emergency services, and/or persons whose services are paid for, in whole or in part, by state funds or federal funds*** in the state mental health services system, notwithstanding the provisions of RSA 329:26, RSA 330-A:32, or any other law.

19 Mental Health Services System; Community Mental Health Program Outcomes. Amend RSA 135-C:7 to read as follows:

135-C:7 Community Mental Health Programs. Any city, county, town, or nonprofit corporation may establish and administer a community mental health program for the purpose of providing mental health services to individuals and organizations in the area. Every program shall, at a minimum, provide emergency, medical or psychiatric screening and evaluation, case management, and psychotherapy services. The department may contract with a community mental health program, pursuant to RSA 135-C:3, for the operation and administration of any services which are part of the state mental health services system. In the event that the commissioner decides to enter into a contract for the operation and administration of any services which are part of the state mental health services system, the contract shall contain standards designed to measure the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity, and providing quality services.

20 Discrimination Prohibited; Eligibility for Services. Amend RSA 135-C:13 to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. ***Admission to the state mental health services system and access to treatment and other services within the system shall be contingent upon the availability of appropriations. The community mental health program responsible for providing services shall conduct a clinical assessment of every applicant for services. The community mental health program shall prioritize delivery of services based on the severity of the individual's clinical needs. Emergency services shall be provided as needed. Services shall not be denied to persons who are conditionally discharged from a receiving facility under RSA 135-C:50, or who are ordered to submit to treatment at a community mental health program under RSA 135-C:45.*** Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, ~~[such service shall be documented through individual service plans. When services have been documented to be necessary but unavailable,]~~ each agency responsible for provision

of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

21 Discrimination Prohibited; Eligibility for Services. RSA 135-C:13 is repealed and reenacted to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

22 Department of Health and Human Services, Division of Community-Based Care Services, Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the biennium ending June 30, 2013, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in He-M 401.07; provided, that the department shall also establish, by rule under RSA 541-A, a procedure for such persons or community health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the commissioner of the department of health and human services, the fiscal committee of the general court may authorize a higher per person per year limit.

23 County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. RSA 167:18-a, II is repealed and reenacted to read as follows:

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years 2011-2014:

- (1) State fiscal year 2011, \$105,000,000.
- (2) State fiscal year 2012, \$105,000,000.
- (3) State fiscal year 2013, \$107,000,000.
- (4) State fiscal year 2014, \$109,000,000.

(b) The caps on total billings for fiscal years after fiscal year 2014 shall be established by the legislature at least on a biennial basis.

24 New Subparagraph; County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Additional Credit. Amend RSA 167:18-a, III by inserting after subparagraph (b) the following new subparagraph:

(c) For the biennium ending June 30, 2013, the counties shall have an additional credit against the amounts due for long term care expenditures under RSA 167:18-a. The credit in the amount of \$2,498,000 for the fiscal year ending June 30, 2012 and \$2,547,000 for the fiscal year ending June 30, 2013 shall be in addition to the \$5,000,000 annual credit set forth in subparagraph (a). The additional credit shall be allocated among the counties based on the percentage of total payments each county had for the preceding fiscal year from the nursing facility trust fund under RSA 151-E:15 and shall be made available to the counties as soon as possible after the start of the fiscal year. The total aggregate obligation of the counties shall be reduced by the amount of the credit in each fiscal year.

25 Repeal of Prospective Repeal. 2007, 263:26, relative to the repeal of RSA 167:18-a, is repealed.

26 Department of Health and Human Services, Division of Community Based Care Services, Bureau of Behavioral Health, 1915(b) Prepaid Health Plan. The department of health and human services shall seek approval from the federal Centers for Medicare and Medicaid Services (CMS) for a 1915(b) waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan. Upon receipt of approval, the department shall promptly implement the prepaid health plan by entering into contracts with community mental health service providers, subject to approval by the governor and executive council.

27 Department of Health and Human Services; Division for Children, Youth and Families. Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending June 30, 2013, the rates for all services, placements, and programs that are paid for by the department of health and human services pursuant to RSA 169-B:40, 169-C:27, 169-D:29, with the exception of rates for contracted services that are approved by the governor and council and rates for out-of-state placements, shall be the rate in effect for the particular service, placement, or program as of June 30, 2011.

28 Health and Human Services; General Provisions. Amend RSA 126-A:3, I(b) to read as follows:

(b) Transfer or reassign personnel within and between any division, office, unit, or other component of the department. ***Upon written notice to the commissioner of administrative services, such changes shall be reflected in the state's payroll and financial systems accounts.***

29 Department of Health and Human Services; Department of Safety Agreement Relative to Fee for State Criminal Record Check. Notwithstanding any provision of law to the contrary, the commissioner of the department of safety and the commissioner of the department of health and human services shall negotiate a reduced fee for performing a state criminal record check of department of health and human services employees, service providers, and licensed and license-exempt child day care providers.

30 Repeal. RSA 170-G:4, XVI, relative to prevention programs for juveniles, is repealed.

31 Prevention Programs for Juveniles; Reference Deletion. Amend RSA 169-D:17, I(e) to read as follows:

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian, or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding[~~including but not limited to funding distributed pursuant to RSA 170-G:4, XVI~~]. Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

32 Repeal. RSA 151-E:3, III, relative to an assessment tool to determine clinical eligibility for nursing facility care, is repealed.

33 Health and Human Services; Social Services Block Grant Cost of Living Adjustment to Income Levels. Notwithstanding any other provision of law, the department of health and human services shall raise the income eligibility for elderly and adult clients under the Social Services Block Grant program every January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

34 Treasury; Establishment of Revolving Funds for New Hampshire Hospital Accounting Units 05-95-94-940010-9064 and 05-95-94-940010-8028. There shall be established in the state treasury 2 funds for use as a depository account by the department of health and human services, New Hampshire hospital. The funds shall be nonlapsing, continually appropriated to the department, and used to receive and temporarily hold funds for the hospital's education programs and emergency preparedness events until the funds are disbursed.

35 Suspension; Department of Health and Human Services; Bureau of Developmental Services; Full Funding of Wait List. Notwithstanding any provision of law to the contrary, RSA 171-A:1-a shall be suspended for the biennium ending June 30, 2013.

36 Transfer of Account Authority. The commissioner of administrative services shall make the necessary changes in the state accounting system to transfer sole authority of the following revenue accounts from the department of health and human services to the department of revenue administration, effective July 1, 2011: Medicaid enhancement tax accounting unit 8805-1042 and Medicaid enhancement tax receipt account 401624.

37 Uncompensated Care Fund; Definitions. Amend RSA 167:63, IV to read as follows:

IV. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 [~~and receiving medicaid diagnosis related group (DRG) payments~~], but not including government facilities *and hospitals excluded from taxation under RSA 84-A pursuant to federal approval of a waiver of the broad-based requirement as described in 42 C.F.R. section 433.68.*

38 Uncompensated Care Fund. Amend RSA 167:64, I to read as follows:

I. There is hereby established in the state treasury an uncompensated care fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the

fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a) ~~[No less than 50 percent of the moneys paid into the fund shall be utilized to support uncompensated care in hospitals in accordance with rules adopted by the commissioner, pursuant to RSA 541-A.] *The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall also be used to make medical provider payments and to support the state's Medicaid enhancement tax unrestricted revenue account, in amounts directed by the budget in each year of the biennium. Expenditure of revenues deposited to the uncompensated care fund shall be made in the following order of priority:*~~

(1) To support medical provider payments as budgeted in each year of the biennium;

(2) To ensure that critical access hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit or at the highest uniform percentage that available funding would permit should funds be inadequate to cover 100 percent of the hospital limit for disproportionate share payments as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder;

(3) To support the state's medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium; and

(4) If authorized, to reimburse non-critical access hospitals at the highest uniform percentage of each hospital's disproportionate share hospital payment limit as the funds made available under this section permit and are consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder.

(b) The commissioner is hereby authorized and directed to develop and implement, *in connection with the payment by the state to hospitals for reimbursement of uncompensated care costs*, a schedule of payments for reimbursement of the uncompensated care costs of those hospitals that are subject to the tax liability imposed under RSA 84-A and that participate in the state Medicaid program. *The reimbursement of uncompensated care costs paid in state fiscal year 2012 and state fiscal year 2013 shall be in accordance with the schedule of payments to hospitals [shall take] that takes effect on [January 1, or after July 1, 2011, subject to the prior review and approval of [the fiscal committee of the general court and] the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that [(-) reduces to the greatest extent practicable the disproportionate impact among hospitals of uncompensated care costs; (ii) permits maximum available federal financial participation for these payments in accordance with Title XIX of the Social Security Act; and (iii)] is consistent with all federal laws and regulations governing (i) Title XIX disproportionate share hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial participation, and (iii) permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.*

(c) For purposes of this section, uncompensated care costs shall include: **any** charity care [costs] **cost, and** any portion of [Medicaid] **Medicaid-covered** patient care costs [that are] unreimbursed by Medicaid payments, [and any portion of bad debt costs] that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act **and the provisions of all federal regulations promulgated thereunder.**

(d) ~~[The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid fee for service rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall be first allocated to ensure that critical access hospitals and rehabilitation hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit for disproportionate share payments as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). Non-critical access hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the funds made available under this section permit. The commissioner may create additional categories of need and make further reasonable distinctions among hospitals when determining the methodology for payments under this section, as necessary, to ensure that no hospital is unduly burdened by the fiscal effect of uncompensated care costs.]~~

(e) One percent of the **funds made available for uncompensated care** payments [made from the class lines in the budget of the office of the commissioner, department of health and human services, entitled "hospital disproportionate share," "New Hampshire hospital disproportionate share," and "hospital uncompensated care pool"] shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

39 Uncompensated Care Fund; Duties of the Commissioner. Amend RSA 167:65, II to read as follows:

II. Seek input from ~~[the chairman of]~~ the senate health and human services committee, ~~[the chairman of]~~ the house health, human services and elderly affairs committee, ~~[the chairman of]~~ the house and senate finance committees, ~~[the insurance department,]~~ and ~~[representatives of]~~ **the** hospitals currently participating in the uncompensated care program ~~[in developing]~~ **during the development of** the uncompensated care payment system required under paragraph I, and present a report ~~[detailing all the options and making recommendations]~~ **describing the planned payment methodology** to the oversight committee on health and human services, established under RSA 126-A:13~~[-not later than January 1, 2010]~~ **prior to payments being made and submit a waiver calculation pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of waiving RSA 84-A, Medicaid enhancement tax liability for Hampstead Hospital, HealthSouth Rehabilitation Hospital, and Northeast Rehabilitation Hospital, no later than September 30, 2011.**

40 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, III to read as follows:

III. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 **that provide inpatient and outpatient hospital services** ~~[and receiving medicaid diagnosis related group (DRG) payments]~~, but not including government facilities

and any hospital excluded from taxation under this chapter pursuant to federal approval of a waiver of the broad-based requirement as described in the relevant provisions of 42 C.F.R. section 433.68.

41 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, IV-a to read as follows:

IV-a. "Net patient services revenue" means the gross charges of the hospital less any deducted amounts for bad debts, charity care, and payor discounts. ***"Net patient services revenue" shall include revenues received from the state's uncompensated care account and revenues received from all payers of inpatient and outpatient patient care.***

42 Applicability; Null and Void. The applicability of paragraphs I and II of RSA 84-A:3 as they were applied in 1991 and 1992 is hereby declared null and void.

43 Repeal. RSA 167:65, III, relative to the uncompensated care payment system and the requirement of fiscal committee review and approval prior to submission of a Medicaid state plan amendment, is repealed.

44 Department of Health and Human Services; Consolidation. For the biennium ending June 30, 2013, the commissioner of the department of health and human services is directed to pursue operating and service consolidation initiatives, in an effort to improve service delivery, obtain operating efficiencies, and promote the well-being of the state's citizens. The commissioner shall consolidate district offices of the department of health and human services to achieve a reduction of \$648,000 in general fund appropriations for the biennium ending June 30, 2013. The commissioner, through 2 percent attrition in field operations staff assigned to district offices, shall achieve a reduction of \$744,000 in general fund appropriations for the fiscal year ending June 30, 2012, and a reduction of \$754,000 in general fund appropriations for the fiscal year ending June 30, 2013. The commissioner shall provide regular notice of these efforts to the committees with jurisdiction over health and human services and finance of the house and senate.

45 Children's Health Insurance Program. RSA 126-A:3, VIII is repealed and reenacted to read as follows:

VIII. The commissioner shall submit a Title XXI state plan amendment, subject to approval by the fiscal committee of the general court and the oversight committee on health and human services, to administer the children's health insurance program within the department commencing upon implementation of Medicaid managed care. The commissioner shall operate the children's health insurance program utilizing the program model that demonstrates the greatest efficiency and value which includes, but is not limited to, Medicaid expansion, accountable care organization, or risk-based managed care models.

46 Responsibility for Public Medical Assistance. Amend RSA 167:3-b to read as follows:

167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do not apply to the administration of medical assistance, ***except with respect to the spouse of the individual who needs medical care or services, or the parent of such individual, if said individual is under the age of 21.***

47 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evalu-

ation, care, and treatment of the child at the ~~[Philbrook center]~~ ***New Hampshire hospital*** or to expenses incurred for the cost of accompanied transportation ***or to expenses incurred for the cost of alcohol and drug testing.***

48 Nursing Facility Quality Assessment; Contingency. Notwithstanding RSA 84-C:11, I, for the biennium ending June 30, 2013, the nursing facility quality assessment imposed by RSA 84-C shall not be assessed, and no return shall be required to be made, upon the occurrence of any proceeds collected from nursing facilities as defined in RSA 84-C:1, V(a), from the nursing facility quality assessment being expended by the state or any state agency for any purpose other than funding nursing facility expenditures through the nursing facility trust fund under RSA 151-E:14 and long-term care services through the department of health and human services.

49 Intermediate Care Facilities; Use of ICF Separate Account. Notwithstanding the provisions of RSA 84-D:5, for the biennium ending June 30, 2013, moneys from the ICF separate account may be expended by the state for long-term care services through the department of health and human services.

50 Quality Assessment Expenditures; State Expenditures for Long-Term Care Services. For the biennium ending June 30, 2013, notwithstanding the provisions of RSA 151-E:14 and RSA 151-E:15-a, 25 percent of the receipts from the nursing facility quality assessment under RSA 84-C:3 and the ICF quality assessment under RSA 84-D:3 shall be deposited as restricted revenue in accounts of the department of health and human services and shall be used in support of long-term care services and not for any other purpose.

51 Department of Transportation; Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium ending June 30, 2013, the commissioner of the department of transportation is authorized, with the prior approval of the fiscal committee of the general court, to enter into agreements to lease-purchase vehicles and equipment.

52 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2012 or June 30, 2013 from the Federal Emergency Management Agency of Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse costs incurred for emergency response, including but not limited to, equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared shall be collected by the appropriate agency and appropriated to the department of transportation.

53 New Sections; Department of Labor Nonlapsing Restricted Fund. Amend RSA 273 by inserting after section 1 the following new sections:

273:1-a Budget and Accounting. The department of labor shall budget and account for its operations through restricted funds rather than through the general fund; said restricted funds to be funded through all fees, licenses, certificates, and civil penalties of the department of labor, as well as existing assessment procedures.

273:1-b Restricted Fund. There is hereby established in the state treasury a department of labor restricted fund for the sole purpose of paying costs of operating the department of labor other than workers' compensation. All moneys in the restricted fund shall be continually appropriated to the department of labor. The commissioner shall administer the fund, and the state treasurer shall be the custodian of the fund. All moneys

in the fund in excess of amounts used by the department for authorized personnel expenses, administrative costs, and other related costs for the operation of the department, shall be transferred on June 30 of each year to the general fund. The existence and operation of this restricted fund shall not affect the continued existence and operation of the administration fund established by RSA 281-A:59.

54 New Subparagraph; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after subparagraph 304 the following new subparagraph:

(305) Moneys deposited in the department of labor restricted fund established in RSA 273:1-b.

55 Reference Changes. Amend the following RSA provisions by replacing the words "general fund" or "state's general fund" with "department of labor restricted fund established in RSA 273:1-b": RSA 157-A:10-a, I; 157-B:13-a, I; 273:11-a, I; 275-F:9, I; 277-B:12, II; 277-B:13; 281-A:4-a, I; 281-A:7, I(a)(2); 281-A:43, I(d); 281-A:43, I (e); 281-A:59, IV; 281-A:60, I(r); 281-A:70.

56 Reference Changed. Amend RSA 277-B:12, III to read as follows:

III. Any client company which does business with an unlicensed employee leasing company may be fined by the commissioner up to \$1,000 per employee for each day the violation continues. Any funds collected under this section shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

57 Reference Changed. Amend RSA 277-B:15-a, I to read as follows:

I. Employee leasing firms shall maintain a list of current and past clients which shall be available for inspection by the department of labor without notice. The list shall be submitted to the labor department on a quarterly basis. Failure to maintain an updated client list shall subject the licensee to a \$1,000 fine, and a \$2,500 fine and loss of license for a second or subsequent offense if deemed appropriate by the commissioner. Funds generated from fines shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

58 Reference Changed. Amend RSA 281-A:5-d, III to read as follows:

III. Any client company which knowingly does business with an unlicensed third party administrator may, after written notification, be fined up to \$1,000 per day for each day the violation continues. Any funds collected under this section shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

59 Reference Changed. Amend RSA 281-A:43, II to read as follows:

II. A decision of the commissioner, the commissioner's authorized representative, or the board shall take effect and shall become final, in the absence of an appeal from it, 30 days from the date of the decision. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner or the board, shall begin or continue as soon as possible, but no later than 5 working days after the decision's effective date, and shall not be terminated except in accordance with the terms of the decision or of a final court determination. If the commissioner determines that the employer or carrier has failed to comply with any order, then the commissioner may assess a penalty not to exceed \$100 for each day of noncompliance, beginning on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay

the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b** any penalty collected under this section.

60 Reference Changed. Amend RSA 281-A:53, I to read as follows:

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending beyond 3 days, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than 7 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails without sufficient cause as determined by the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of up to \$2,500. If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b**.

61 Reference Added. Amend RSA 275:57, IV to read as follows:

IV. An employer who willfully violates the provisions of this section may be assessed interest and a civil penalty of up to \$1,000 per violation, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b**.

62 Reference Added. Amend RSA 276-A:7-a to read as follows:

276-A:7-a Civil Penalties. In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed \$2,500 for each violation of any provision of this chapter or rule adopted pursuant to this chapter, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b**. In assessing this penalty, the commissioner shall consider the nature of the violation, the employer's history of violations, and the employer's good faith.

63 Reference Changed. Amend RSA 281-A:42, III to read as follows:

III. Upon failure of any insurance carrier or self-insurer to comply with either an order for payment of compensation or an assessment of a civil penalty, the commissioner shall recover either or both in a civil action in the superior court of the county of jurisdiction. Anyone owing a civil penalty under this section shall pay it to the commissioner, who shall deposit it ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b**.

64 Reference Added. Amend RSA 281-A:23-a, VI(b) to read as follows:

(b) If the commissioner determines that a managed care program has failed to comply with the provisions of this section or the rules adopted to implement such section, but that such failure does not warrant withdrawal of approval of the program, the commissioner may, after notice to the managed care program and hearing, assess a civil penalty of not more than \$100 for each such failure, **which shall be deposited**

into the department of labor restricted fund established in RSA 273:1-b. If a managed care program fails to pay such penalty, the commissioner shall recover the penalty in a civil action in the superior court of the county of jurisdiction.

65 Reference Added. Amend RSA 281-A:30, VII to read as follows:

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.**

66 Reference Added. Amend RSA 281-A:55, V to read as follows:

V. An insurance carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.**

67 Guardian Ad Litem Fees. Amend RSA 461-A:16, IV to read as follows:

IV. The fees for services for the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount as the court may determine. ~~[Where the parties are indigent, compensation for guardians ad litem and others utilized by the guardian and approved by the court shall be based upon the applicable fee schedule established by the supreme court for indigent defense counsel.]~~

68 Liability for Expenses. RSA 461-A:17 is repealed and reenacted to read as follows:

461-A:17 Guardians Ad Litem and Mediators; Liability for Expenses. The judicial council shall have no responsibility for the payment of the costs of a mediator or guardian ad litem for any party under this chapter.

69 Judicial Council; Appropriation for Marital Services for Indigent Parents.

I. The sum of \$240,000 is hereby appropriated to the judicial council for the fiscal year ending June 30, 2011, for the purposes of covering costs associated with marital services provided to indigent parents for the fiscal year ending June 30, 2011. Said appropriation shall not lapse until June 30, 2012. The governor is hereby authorized to draw a warrant for said sum from the special fund for mediator and guardian ad litem services established pursuant to RSA 461-A:17.

II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal committee of the general court.

70 Repeal. RSA 6:12, I(b)(81), relative to the special fund for mediator and guardian ad litem services, is repealed.

71 Mediation of Cases Involving Children; Payment of Mediator Fees by Indigent Parties. Amend RSA 461-A:7, X to read as follows:

X. In the event both parties are indigent, the mediator shall be paid a set fee for his or her services. The amount of the fee shall be set annually by supreme court rule. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the ~~[special fund established pursuant to RSA 461-A:17]~~ **mediation and arbitration fund established in RSA 490-E:4** and repaid by the parties in accordance with RSA 461-A:18, **including fees for pre-suit marital mediation authorized pursuant to RSA 490-E:2, V. The supreme court shall determine by rule a percentage amount of the entry fee paid to each clerk of court for each petition in domestic relations**

cases to be deposited into the mediation and arbitration fund to be used to pay for mediation where both parties are indigent. At no time shall the percentage amount exceed 25 percent of the entry fee for each petition.

72 Repayment of Mediator and Guardian Ad Litem Fees. Amend RSA 461-A:18, I to read as follows:

I. In any case where a mediator has been appointed pursuant to RSA 461-A:7 or a guardian ad litem has been appointed pursuant to RSA 461-A:16 and the responsible party's proportional share of the expense [is] ***was*** ordered to be paid by the judicial council from the ***prior*** special fund established pursuant to RSA 461-A:17 ***or is ordered to be paid by the judicial branch from the mediation and arbitration fund pursuant to RSA 490-E:4***, the party shall be ordered by the court to repay the state through the unit of cost containment, office of administrative services, the fees and expenses paid on the party's behalf as the court may order consistent with the party's ability to pay, such ability to be determined by the unit of cost containment.

73 Mediation and Arbitration Fund. Amend RSA 490-E:4, I(a) to read as follows:

(a) All moneys collected pursuant to ***RSA 461-A:7, X***, RSA 490:27, II, RSA 490-D:12, III, RSA 503:4, II, and RSA 502-A:28, III.

74 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

(f) ~~[Notwithstanding any provision of law to the contrary,]~~ ***Neither*** the department ***nor the judicial council*** shall have ~~[no responsibility]~~ ***authority*** for the payment of the cost of assigned counsel for any party under this chapter.

75 Judicial Council; Supplemental Appropriation; Counsel for Indigent Parents in Abuse and Neglect Cases.

I. In addition to any other sums appropriated to the judicial council, the sum of \$250,000 is hereby appropriated to the judicial council for the fiscal year ending June 30, 2011, for the purpose of covering costs associated with payment of counsel for indigent parents in abuse and neglect cases filed in the fiscal year ending June 30, 2011 and pending in the fiscal year ending June 30, 2012. Said appropriation shall not lapse until June 30, 2012. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal committee of the general court.

76 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. ~~[In cases involving a neglected or abused child, when an attorney is appointed to represent a parent determined to be indigent pursuant to RSA 169-C:10, II, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter.]~~

77 Child Protection Act; Guardians Ad Litem. Amend RSA 169-C:10, I to read as follows:

I. In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a ~~[guardian ad litem or]~~ Court Appointed Special Advocate (CASA) ***or other approved program*** guardian

ad litem for the child. ***If a CASA or other approved program guardian ad litem is unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as the guardian ad litem for the child.*** The court shall not appoint an attorney for any guardian ad litem appointed for the child[, but may appoint an attorney or any other qualified individual as the guardian ad litem for the child]. The CASA or other approved program guardian ad litem shall have the same authority and access to information as any other guardian ad litem. ***For purposes of this paragraph, "unavailable for appointment" means that there is no CASA or other approved program guardian ad litem available for appointment by the court following a finding of reasonable cause at the preliminary hearing held under RSA 169-C:15 so that the child's interests may effectively be represented in preparation for and at an adjudicatory hearing.***

78 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

(a) Appoint ***a CASA or other approved program guardian ad litem*** or an attorney or other qualified guardian ad litem to represent the child pursuant to RSA 169-C:10.

79 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as follows:

(a) In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the recommendation for dispositional orders of the guardian ad litem, the court may appoint an attorney to represent the interests of the child. ~~[In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interests. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.]~~

80 Termination of Parental Rights. Amend RSA 170-C:13 to read as follows:

170-C:13 Fees and Court Costs.

I. The petitioner shall pay all entry fees and court costs including costs of giving notice, costs of advertising, and court-appointed guardian ad litem fees [shall be paid by the petitioner]. The court, however, may waive entry fees and court costs where payment would work a hardship on the petitioner. Where the court waives payment by the petitioner, the state, through the court system, shall pay court costs [and the fee of any court appointed guardian ad litem]. The judicial council shall pay the cost of a CASA guardian ad litem appointed for the child or other guardian ad litem in cases arising from an underlying abuse and neglect proceeding when the state is the moving party.

II. The department of health and human services is exempted from paying any entry fees and court costs.

III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for a parent determined to be financially unable to employ counsel, the court shall use a financial eligibility guideline established by the office of cost containment to determine if the party is indigent. Upon determination that the party is indigent, the court may appoint counsel, subject to an order of repayment through the office of cost containment. The judicial

council shall bear no financial responsibility for the payment of appointed attorney costs in such cases where the state is not the moving party for the termination of parental rights. The state shall bear no responsibility in private termination of parental rights cases for payment of either counsel or guardian ad litem.

81 Parental Rights and Responsibilities; Non-Certified Guardians Ad Litem. Amend the introductory paragraph of RSA 461-A:16, VI to read as follows:

VI. The supreme court shall provide the following relative to ***non-certified*** guardians ad litem appointed pursuant to this section:

82 Sale of Property. Notwithstanding RSA 10, the commissioner of the department of administrative services shall offer for sale to the city of Laconia the lakes region facility property in Laconia for consideration of not less than \$10,000,000 by July 1, 2012. If the city refuses the offer, the lakes region facility property shall be offered for sale to Belknap county at the current market value. If the county refuses the offer, the commissioner of administrative services shall issue a request for proposals for the sale of the lakes region facility property in Laconia at no less than the current market value, such sale to be completed no later than May 1, 2013. The sale of such property shall be subject to the requirements of RSA 4:40, except that review and approval of the sale of the property by the council on resources and development and the long range capital planning and utilization committee shall not be required. All proceeds from the sale shall be deposited into the general fund.

83 State Institutions; Governor and Council. Amend RSA 10:1 to read as follows:

10:1 Governor and Council. The ultimate executive authority over the New Hampshire hospital, formerly the state hospital; [~~Laconia developmental services, formerly the Laconia state school and the Laconia state school and training center;~~] the New Hampshire youth development center, formerly the industrial school; and the Glenclyff home, formerly the state sanatorium, including all real and personal estate used in connection therewith, the purchase of materials and supplies for said institutions and the departments of state, as hereinafter provided, is vested in the governor and council.

84 Department of Administrative Services; Appropriation. Amend 2010S, 1:96 to read as follows:

1:96 Appropriation; Department of Administrative Services. The sum of \$250,000 is hereby appropriated to the department of administrative services for the biennium ending June 30, 2011[;]. ***Said funds shall be used for the purpose of employing a consultant with real estate and financial expertise in the completion of the sale of the lakes region facility property and the preparation of the request for proposals, and any remaining balance may be used by the commissioner of the department for the purpose of retaining independent real estate and financial expertise [for the commission's work under RSA 21-I:87-RSA 21-I:91] for the sale of other state properties and assets.*** The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. ***Such funds shall not lapse until June 30, 2013.***

85 Department of Administrative Services; Suspension of Bumping Rights. The displacement of classified state employees by more senior classified state employees, or so-called bumping, pursuant to administrative rule Per 1101.02(i) through (l) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2013.

86 Department of Administrative Services; Consolidation of Human Resources.

I. Notwithstanding any law or administrative rule to the contrary, the commissioner of administrative services, with the prior approval of the fiscal committee of the general court and the governor and council, is authorized to make such transfers of appropriation items and changes in allocations of funds available for operational purposes to the department of administrative services, from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of human resource and payroll functions within state government.

II. The commissioner of administrative services is authorized to establish the number and classification of personnel required for human resource and payroll management in state government and, with the prior approval of the governor and council, is authorized to eliminate unnecessary positions and to transfer to the department of administrative services any position in another agency identified by the commissioner of administrative services as necessary to effectuate the efficient consolidation of human resource and payroll functions within state government. Such transfers shall include the transfer of all associated books, papers, records, personnel files, and equipment, including but not limited to work station and information technology equipment, and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel. All commissioners and department heads shall cooperate with the commissioner of administrative services to accomplish the intent of this section.

III. The commissioner of administrative services may locate personnel whose positions have been transferred in such work spaces as the commissioner determines will efficiently effectuate the consolidation of human resource and payroll functions. Such work spaces may include either space currently owned or rented by the state, or space which may be rented by the commissioner utilizing amounts which may be saved by the state as the result of the consolidation of human resources and payroll functions.

IV. The consolidation of human resource and payroll functions shall achieve a savings in the fiscal year ending on June 30, 2013 of no less than \$1,428,000 in total funds and \$571,200 in general funds.

87 Department of Administrative Services; Consolidation of Certain Business Processing Functions.

I. The commissioner of administrative services, with the prior approval of the fiscal committee of the general court and the governor and council, is authorized to make such transfers of appropriation items and changes in allocations of funds available for operational purposes to the department of administrative services, from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of business processing functions within state government. Such business processing functions shall include (i) accounts receivable, (ii) accounts payable, (iii) collection of fines, penalties, fees, restitution, remittances, and other moneys due to the state, and (iv) such other finance and accounting functions and transactions the commissioner of administrative services determines would achieve substantial efficiencies from consolidation.

II. The commissioner of administrative services is authorized to issue a request for proposals or purchases in accordance with RSA 21-I:22 and RSA 21-I:22-a for the services and assistance of a qualified consultant

to evaluate and identify opportunities for business processing consolidation in state government and to make recommendations, including for a proposed implementation plan, for consolidation of such functions.

III. The commissioner of administrative services is authorized to establish the number of total personnel required for business processing functions in the executive branch of state government and, with the prior approval of the governor and council, is authorized to eliminate unnecessary positions and to transfer to the department of administrative services any position in another agency identified by the commissioner of administrative services as necessary or desirable to effectuate the efficient consolidation of business processing functions within state government. Such transfers shall include the transfer of all associated books, papers, records, personnel files, and equipment, including but not limited to work station and information technology equipment, and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel.

IV. The commissioner of administrative services may locate personnel whose positions have been transferred in such work spaces as the commissioner determines will efficiently effectuate the consolidation of business functions. Such work spaces may include either space currently owned or rented by the state, or space which may be rented by the commissioner utilizing amounts which may be saved by the state as the result of the consolidation of human resources and payroll functions.

V. The consolidation of business processing functions shall achieve a savings in the fiscal year ending on June 30, 2012 of no less than \$352,000 in total funds and \$88,000 in general funds, and savings in the fiscal year ending on June 30, 2013 of \$1,000,000 in total funds and \$250,000 in general funds.

88 Sweepstakes Fund. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission and all moneys received from the racing and charitable gaming commission under ***RSA 284***, ***RSA 287-D***, and ***RSA 287-E***, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of the racing and charitable gaming commission under ***RSA 284***, ***RSA 287-D***, and ***RSA 287-E***. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under ***RSA 198:39***.

89 McAuliffe-Shepard Discovery Center; Appropriation.

I. The sum of \$227,000 is hereby appropriated for the fiscal year ending June 30, 2013 to the McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery center to a fiscally self-sufficient entity. This sum shall be in addition to any revenue or grants that may become available to the discovery center. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

II. The discovery center shall, no later than December 15, 2011, report to the fiscal committee of the general court and the governor and council detailing the discovery center's plan to maintain its operations in fiscal year 2013 as a state agency utilizing no more than the general funds appropriated under this section, or its plan to become a self-sufficient not-for-profit organization no later than January 1, 2013.

90 Lottery Commission; Incentive Program. The lottery commission may develop and implement an employee recognition program for monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance and funded from an existing lottery budget line item. The incentive program shall be implemented through rules adopted by the lottery commission in accordance with RSA 541-A. The lottery commission shall report quarterly to the fiscal committee of the general court on the status of the incentive program.

91 Lottery Retailer Commissions. Amend the introductory paragraph of RSA 284:21-h, II(d) to read as follows:

(d) May be sold by or for the lottery commission at designated locations, other than grounds and campuses of public and private schools, colleges, and universities, by persons, whether natural, associate, or corporate, authorized to sell such tickets on a [~~minimum~~] 5 percent commission basis for services rendered. The commission [~~may establish higher sales~~] **shall pay a 10 percent** commission [~~rates no greater than 6 percent and other sales incentives deemed necessary to increase lottery sales~~] **on those sales made during a fiscal year which exceed the sales made during the previous fiscal year. The lottery commission shall report quarterly to the fiscal committee of the general court on commissions paid under this subparagraph.** All sales shall be subject to the rules and regulations of the commission provided:

92 Liquor Commission; Employee Incentive Program. The liquor commission may develop and implement an employee incentive system for monetary incentives for its store managers and employees to reward superior customer service, organization and appearance of retail stores, creativity and attractiveness of displays, workplace safety records, and other relevant and objective criteria related to customer service and sales. The liquor commission shall report quarterly to the fiscal committee of the general court on the status of the incentive program. The incentive program shall be implemented through rules adopted by the commission in accordance with RSA 541-A.

93 New Section; Temporary State Liquor Stores. Amend RSA 177 by inserting after section 1 the following new section:

177:1-a Temporary State Stores. The commission may lease, rent, and equip, in the name of the state, stores or space in buildings such as airports or shopping malls and in large venues such as racetracks, temporary stores for the sale or promotion of liquor or related products as are necessary to carry out the provisions of this chapter, except that no such store shall be operated within 200 feet of any public or private school, church, chapel, or parish house. The liquor commission shall report quarterly to the fiscal committee of the general court on the status of temporary stores.

94 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2013, all gross revenue derived by the liquor commission from the sale of liquor and related products, or from license fees, shall be deposited into the liquor commission fund.

95 Department of Environmental Services; Water Quality Laboratory Services; Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the water quality laboratory authorized by RSA 21-O:12 shall be transferred to the department of health and human services on July 1, 2011. The transfer provided in this section shall include all of the equipment, books, papers, and records of the water quality laboratory.

II. All existing rules, statutory responsibilities, regulations, and procedures relating to enforcement in effect, in operation, or adopted in or by the water quality laboratory are transferred to the department of health and human services, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

96 Department of Health and Human Services; Laboratory Services. Amend the introductory paragraph of RSA 131:3-a to read as follows:

131:3-a Fee Required. Notwithstanding the provisions of RSA 131:4, the commissioner of ~~[environmental services]~~ **the department of health and human services** shall collect a fee for analyses made pursuant to RSA 131:3 on the following schedule:

97 Department of Health and Human Services. Amend RSA 131:3-a, II to read as follows:

II. All such fees collected by the commissioner of ~~[environmental services]~~ **the department of health and human services** from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of ~~[environmental services]~~ **the department of health and human services** for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

98 Repeal. RSA 125:15-b, relative to access to laboratory data and results, is repealed.

99 Office of the Commissioner of Environmental Services; Reference Deleted. Amend RSA 21-O:12, VI to read as follows:

VI. Laboratory services shall include such expert assistants and such facilities as are necessary to support the investigatory, analytical, and enforcement functions of the department of environmental services. The commissioner shall provide the commissioner of the department of health and human services with direct access to all raw data, test results, and other information and samples received or generated by the laboratories in the department deemed necessary by the commissioner of the department of health and human services in order to carry out his **or her** responsibilities to protect the public health. ~~[The commissioner shall consult with the commissioner of the department of health and human services relative to such access as provided by RSA 125:15-b.]~~

100 Joint Board of Licensure and Certification; Accountants, Real Estate Appraisers, and Board of Manufactured Housing Added. Amend RSA 310-A:1, as follows:

310-A:1 Joint Board Established. There shall be a joint board of licensure and certification for professional engineers, architects, land surveyors, foresters, professional geologists, natural scientists, landscape architects, court reporters, ~~[and]~~ home inspectors, **accountants, and real estate appraisers, and the board of manufactured housing**, consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, board of professional geologists, the board of natural scientists, the board of landscape architects, the board of court reporters, ~~[and]~~ the board of home inspectors, **the board of accountancy, the real estate**

appraiser board, and the board of manufactured housing. [The joint board shall meet at least quarterly to carry out its duties established under this chapter.]

101 New Section; Manufactured Housing Board; Administrative Functions Transferred to Joint Board. Amend RSA 205-A by inserting after section 29 the following new section:

205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

102 New Paragraph; Board of Accountancy; Administrative Functions Transferred to Joint Board. Amend RSA 309-B:4 by inserting after paragraph IX the following new paragraph:

X. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

103 New Paragraph; Real Estate Appraisers Board; Administrative Functions Transferred to Joint Board. Amend RSA 310-B:4 by inserting after paragraph IX the following new paragraph:

X. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

104 Commissions and Boards; Functioning within Department of State. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission[, the board of accountancy] and the joint board of licensure and certification shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law. 105 Repeal. RSA 5:13-b, relative to the attachment of the real estate appraiser board to the department of state, is repealed.

106 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspension of Allocation to Department of Safety. For the biennium ending June 30, 2013, RSA 9:9-b, II, relative to the highway fund allocation to the department of safety, shall be suspended.

107 Duties of the Office of Energy and Planning. Amend RSA 4-C:1, II(g)-(i) to read as follows:

(g) Participate and advise in matters of land use planning regarding [~~lakes and rivers management programs~~] **water resources and floodplain management.**

(h) Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.

(i) Administer the following programs: the statewide comprehensive outdoor recreation plan, the national flood insurance program, the land conservation investment program, [~~the scenic and cultural byways system~~], fuel assistance contracts, and weatherization contracts. The office shall employ necessary personnel to administer these programs. In administering fuel assistance and weatherization contracts, the office shall ensure that when an individual applies for fuel assistance or weatherization, the individual shall be provided with application forms and information about the Link-Up New Hampshire and Lifeline Telephone Assistance programs, and shall be provided assistance in applying for these programs.

108 Office of Energy and Planning. Amend RSA 4-C:2, I, to read as follows:

I. The office of energy and planning, under the direction of the governor, shall:

(a) Assist the governor in preparing, publishing, and revising the comprehensive development plan required under RSA 9-A.

(b) ~~Develop and maintain a technical data base of information to support statewide policy development and planning.~~

(c) Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.

~~[(d)]~~ (c) Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent, to the extent practical, with the policies and priorities established in the state development plan.

109 Repeal. RSA 4-C:4, relative to the coordination of federal funds in the office of energy and planning, is repealed.

110 Old Age and Survivors Insurance; Reference Change. Amend RSA 101:2, IV to read as follows:

IV. The term "state agency" means the commissioner of health and human services and any person to which the commissioner has delegated any functions under this chapter, or any other agency duly designated to administer the provisions of this chapter by the governor and council in accordance with RSA 124:4 ~~[and RSA 4-C:4]~~;

111 Office of Energy and Planning; Rulemaking. Amend RSA 4-C:5 to read as follows:

4-C:5 Rulemaking Authority. The director of the office of energy and planning shall adopt rules, *as necessary*, under RSA 541-A[

I.], establishing procedures for grant programs administered by the office. These rules shall be adopted for all ~~[federal or]~~ state grant programs administered by the office in which the office has authority to establish requirements or procedures or interpret ~~[federal requirements and]~~ state statutes. These rules shall include, as appropriate:

~~[(a)]~~ I. Application or grant distribution procedures.

~~[(b)]~~ II. Criteria and procedures for evaluating applications.

~~[(c)]~~ III. Procedures for administration of funds by grantees.

~~[(d)]~~ IV. Monitoring and report procedures.

~~[(e)]~~ V. Appeal procedures for parties dissatisfied with grant decisions.

~~[-H. As provided by RSA 4-C:16, I(a).]~~

112 Repeal. The following are repealed:

I. RSA 4-C:5-a, relative to model ordinances.

II. RSA 4-C:6-a, relative to reports on economic development loans and grants.

113 Review of Reports by Department of Resources and Economic Development; Reference Change. Amend RSA 12-A:34 to read as follows:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under ~~[RSA 4-C:6-a]~~ RSA 12-A:33, and RSA 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

114 Repeal. The following are repealed:

I. RSA 4-C:19-23, relative to the water protection assistance program.

II. RSA 485-C:3, III, relative to cooperation between the department of environmental services and the office of state planning in implementing the water protection assistance program.

III. RSA 21-O:3, IX, relative to the office of state planning's role in the water protection assistance program.

115 Local Land Use; Master Plan. Amend RSA 674:2, III(d) to read as follows:

(d) A natural resources section which identifies and inventories any critical or sensitive areas or resources, not only those in the local community, but also those shared with abutting communities. This section provides a factual basis for any land development regulations that may be enacted to protect natural areas. A key component in preparing this section is to identify any conflicts between other elements of the master plan and natural resources, as well as conflicts with plans of abutting communities. ~~[The natural resources section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22.]~~

116 Repeal. RSA 4-C:24-28 and RSA 4-C:30, relative to housing and conservation planning, are repealed.

117 Repeal. RSA 125-G, relative to the high-level radioactive waste act, is repealed.

118 Land Use Boards; Training. Amend RSA 673:3-a to read as follows:

673:3-a Training. Within ~~[6 months]~~ ***the first year*** of assuming office, ~~[for the first time, any non-ex-officio]~~ ***a new*** member of ~~[the]~~ ***a*** zoning board of adjustment ~~[and the]~~ ***or*** planning board may ~~[at the member's option]~~ complete ~~[at least 6 hours of]~~ training ~~[for the member's respective position. The training shall be designed and furnished]~~ ***offered*** by the office of energy and planning. ***The office of energy and planning may provide this training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, traditional classroom style, or self study.***

119 Zoning Ordinances; Place for Filing Documents and Reporting Amendments. RSA 675:9 is repealed and reenacted to read as follows:

675:9 Place for Filing Documents; Reporting of Adoptions or Amendments. A copy of each master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code, subdivision regulation, historic district regulation, site plan review regulation or amendment which is adopted by a municipality shall be placed in a central file with the office of energy and planning; provided, however, that failure to file these documents or amendments with the office of energy and planning shall not affect the validity of the document. Every municipality which adopts a master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code, subdivision regulation or site plan review regulation or amendment thereto, shall inform the office of energy and planning of such adoption or amendment. The office of energy and planning is hereby authorized to gather this information by way of an annual survey of the municipalities or other such means as may be deemed appropriate. The office of energy and planning shall periodically create lists and reports of the information gathered for use by the municipalities and the general public.

120 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

(b) A prisoner convicted of a nonviolent offense ***who has not been previously convicted of a sexually violent offense as defined in***

RSA 135-E:2, XI, aggravated felonious sexual assault pursuant to RSA 632-A:2, felonious sexual assault pursuant to RSA 632-A:3, sexual assault pursuant to RSA 632-A:4, I(a)-(b), kidnapping pursuant to RSA 633:1, I, first degree assault pursuant to RSA 631:1, I, possession of child sexual abuse images pursuant to RSA 649-A:3, I, or distribution of child sexual abuse images pursuant to RSA 649-A:3-a, I shall be released on parole upon serving 120 percent of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, unless the parole board votes to deny such release.

121 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c) ~~[All prisoners who have not been previously paroled]~~ **A prisoner who has not been previously paroled**, or who ~~[were]~~ **was** recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence, **unless the parole board votes to deny such release.** This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

122 Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, **or may be subject to an extended term of recommitment pursuant to paragraphs III and IV.** The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that provides]~~ **provided access to** focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

(a) **The prisoner has previously been recommitted for a parole violation; or**

(b) **The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and**

(1) **The conduct underlying the parole violation is related to his or her offense or offending pattern; or**

(2) **The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or**

(3) **Both subparagraphs (1) and (2); or**

(c) **The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or**

(d) **The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.**

IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommittal to determine whether a longer term is warranted if:

(1) The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommittal period; or

(2) The prisoner received one or more major disciplinary violations during the 90-day recommittal period.

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommittal pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommittal shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommittal and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommittal for less than 90 days if:

(a) The prisoner has not been previously recommitted for a parole violation;

(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;

(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;

(d) The parole violation is not substantially related to his or her offense or offending pattern; and

(e) The parole board determines that a lesser period of recommittal will aid in the rehabilitation of the parolee.

123 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the [anticipated] **potential release on parole pursuant to RSA 651-A:6, I(c), except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.**

124 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release on parole pursuant to RSA 651-A:6, I(c), or upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The

county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

125 Probationers and Parolees; Risk Assessment and Length of Supervision. Amend RSA 504-A:15, III-IV to read as follows:

III. Any person placed on probation for a felony shall be subject to active supervision for up to the first 12 months and thereafter be placed on administrative supervision unless the probationer has been designated high risk [or], has been adjudicated by the court for a violation of the conditions of probation during the first 12 months under supervision, ***or was placed on probation for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.***

IV. Any person placed on parole for a felony shall be subject to active supervision for up to the first 18 months and thereafter be placed on administrative supervision unless the parolee has been designated high risk [or], has violated the conditions of parole during the first 18 months under supervision, ***or was placed on parole for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.***

126 New Paragraph; College Tuition Savings Plan. Amend RSA 195-H:4 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding RSA 6:12, I(b)(115), for the biennium ending June 30, 2013, annual administrative fees, less any annual administrative costs that are generated from the New Hampshire college tuition savings plan, less any funds distributed to private New Hampshire colleges and universities under the UNIQUE endowment allocation program established in administrative rule Csp 701-703, shall be allocated in the following manner: 70 percent of such total shall be paid annually prior to the end of each state fiscal year to the university system of New Hampshire and 30 percent of such total shall be paid annually prior to the end of each state fiscal year to the community college system of New Hampshire.

127 New Hampshire Excellence in Higher Education Endowment Trust Fund. Notwithstanding RSA 6:12, I(b)(115), the balance of the New Hampshire excellence in higher education endowment trust fund established pursuant to RSA 6:38, as of June 30, 2011 shall be transferred as follows: 70 percent of such fund balance, less \$3,000,000, shall be paid to the university system of New Hampshire and 30 percent of such fund balance shall be paid to the community college system of New Hampshire. Interest accrued on the \$3,000,000 shall be used to fund scholarships to New Hampshire students at private New Hampshire colleges and universities. The fund balance transfers to the university system of New Hampshire and to the community college system of New Hampshire shall be paid no later than July 30, 2011.

128 Repeals. The following are repealed:

I. RSA 6:12, I(b)(140), relative to moneys deposited in the forgivable loan fund and the loan repayment fund in the workforce incentive program under RSA 188-D:18-f through RSA 188-D:18-h.

II. RSA 6:12, I(b)(241), relative to moneys deposited by the postsecondary education commission in the essential functions fund established under RSA 188-D:8, IX.

III. RSA 6:12, I(b)(243), relative to moneys used for the New Hampshire incentive program established in RSA 188-D:10.

IV. RSA 6:12, I(b)(244), relative to moneys used for the leveraged incentive grant program established in RSA 188-D:33.

V. RSA 6:12, I(b)(245), relative to moneys used for the granite state scholars program established in RSA 188-D:36.

VI. RSA 6:12, I(b)(247), relative to moneys used for the veterinary/medical/optometric education program established in RSA 200-J.

VII. RSA 6:12, I(b)(270), relative to the large animal veterinarian net tuition repayment fund established in RSA 200-J:7.

VIII. RSA 6:12-d, II(k), relative to the surety indemnification accounts of the postsecondary education commission.

IX. RSA 188-D, relative to the postsecondary education commission.

X. RSA 200-J, relative to the veterinary/medical/optometric education program.

129 New Section; Department of Education; Division of Higher Education. Amend RSA 21-N by inserting after section 8 the following new section:

21-N:8-a Division of Higher Education.

I. There is hereby established within the department the division of higher education, under the supervision of an unclassified director of higher education who shall be responsible for the following functions, in accordance with applicable laws:

(a) Provide support to the higher education commission established in paragraph II in furtherance of its duties.

(b) Facilitate and secure for the students and higher education institutions of this state all benefits provided by Congress in federal law.

(c) Apply for, accept, and expend federal grants.

(d) Establish and collect reasonable fees related to the performance of statutory duties.

(e) Perform the functions of the veterans' State Approving Agency for the purpose of administering veterans education and job training programs as authorized by Congress.

(f) Administer scholarships for orphans of veterans program pursuant to RSA 193:19-21.

(g) Administer scholarships under the New England higher education compact pursuant to RSA 200-A.

(h) Administer the tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.

(i) Administer the tuition waiver program for foster children established in RSA 187-A:20-b.

(j) Administer the Paul Douglas scholarship program.

(k) Administer the College Access Challenge grant.

(l) Administer the CART Provider and Sign Language Interpreter Net Tuition program.

(m) Assume other responsibilities as may be provided in state or federal law.

II.(a) There is hereby established a higher education commission which shall consist of the following members:

(1) The president of the university of New Hampshire; the president of Keene state college; the president of Plymouth state university; the chancellor of the university system of New Hampshire; a president of

one of the institutions of the community college system of New Hampshire, to be chosen by the board of trustees of the community college system.

(2) Two members to be appointed by the trustees of the university system of New Hampshire, one of whom shall be a full-time undergraduate student who is a resident of the state, and whose term shall expire upon graduation or when the member is no longer a full-time student.

(3) The commissioner of the department of education and the chancellor of the community college system of New Hampshire.

(4) One full-time student to be appointed by the board of trustees of the community college system of New Hampshire who shall be a representative of the community college system of New Hampshire who shall be a resident of the state and whose term shall expire upon graduation or when the member is no longer a full-time student.

(5) Six representatives of the private 4-year colleges in New Hampshire appointed by the governor and council on recommendation by the New Hampshire College and University Council, with no more than one representative from any one college.

(6) One full-time undergraduate student of a private 4-year college in the state of New Hampshire, to be appointed by the governor and council on recommendation by the New Hampshire College and University Council, who shall be a resident of New Hampshire and whose term shall expire upon graduation or change of status from a full-time student.

(7) One member to be appointed by the governor and council as a representative from a for-profit college or university not a member of the New Hampshire College and University Council.

(8) Four members to be appointed by the governor and council who shall be residents of the state and of the lay public, having no official connection with any college, university, or private postsecondary career school as an employee, trustee or member on a board of directors.

(9) One member to be appointed by the governor and council on recommendation by the New Hampshire Council for Professional Education, who shall be a resident of the state and a representative of a private postsecondary career school.

(b) The terms of appointed members, except as indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

(c) Commission appointments shall be made in such a way as to preserve broad and equitable representation on the basis of gender, ethnicity, and socioeconomic groups in the state.

(d) The members of the commission, except the ex-officio members, shall serve without compensation, but may be reimbursed for actual travel and other expenses incurred in the performance of their duties on the commission from funds appropriated to the department of education specifically for this purpose.

(e) The commission shall:

(1) Regulate institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk. The commission may accept accreditation by a recognized accrediting association in place of its own evaluation.

(2) Administer financial aid programs as provided in state law for students attending higher education institutions who have been residents of New Hampshire for at least 12 consecutive months prior to the date of enrollment.

(3) Regulate private postsecondary career schools pursuant to RSA 188-G.

(4) Establish and collect reasonable fees related to the performance of statutory duties.

(5) Participate in, and administer for the state of New Hampshire, the integrated postsecondary education data system as developed by the United States Department of Education, Institute of Education Sciences.

(6) Adopt rules, pursuant to RSA 541-A relative to:

(A) Organization and operation of the higher education commission established in RSA 21-N:8-a, II.

(B) Approval and regulation of institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk.

(C) Licensing of private postsecondary career schools pursuant to RSA 188-G.

(D) Administration of financial aid programs for institutions of higher education.

(E) Establishment and collection of reasonable fees for functions performed by the division of higher education established in RSA 21-N:8-a.

130 New Paragraph; Department of Education; Rulemaking. Amend RSA 21-N:9 by inserting after paragraph II the following new paragraph:

III. The department of education shall adopt rules, pursuant to RSA 541-A relative to:

(a) Administration of the tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.

(b) Administration of the tuition waiver program for foster children established in RSA 187-A:20-b.

131 Compensation of Certain State Officers. Amend RSA 94:1-a, I(b) by deleting:

~~EE [Postsecondary~~
~~education commission]~~ [executive] director,
Department of Education **division of higher education**

132 Branches or Extension Courses in This State. Amend RSA 186:13-b to read as follows:

186:13-b Branches or Extension Courses in This State. Any out-of-state institution of higher learning planning to establish a branch, branches, or extension courses, in this state, shall apply to the ~~[postsecondary education commission]~~ **the higher education commission** for an evaluation of its plans. Plans for each such branch, branches, or extension courses shall thereupon be evaluated, and, if approved, the branch, branches, or extension courses shall thereupon be accredited for such period and under such regulations as ~~[said commission]~~ **the commission** may determine. If a branch, or branches, or program of extension courses are disapproved at any time by ~~[said commission]~~ **the commission** all operations and publicity of it shall cease without delay.

133 State College and University System; Tuition Waiver and Room and Board Scholarships. Amend RSA 187-A:20-a to read as follows:

187-A:20-a Tuition Waived for Children of Certain Firefighters and Police Officers; Room and Board Scholarships.

I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls in a program leading to a certificate, associate, or bachelor degree at any public postsecondary institution within the state, approved by the ~~[postsecondary education commission pursuant to RSA 188-D]~~ **department of education, division of higher education**, shall not be required to pay tuition for attendance at such institution if he or she is the child of a firefighter or police officer who died while in performance of his or her duties, and whose death was found to be compensable pursuant to RSA 281-A.

II.(a) Any person entitled to a waiver of tuition under this section may apply for a room and board scholarship while attending the institution, to the extent of available funds. Applications for a room and board scholarship shall be filed annually with the ~~[postsecondary education commission]~~ **director of the division of higher education**. The ~~[commission]~~ **department of education** shall adopt rules, pursuant to RSA 541-A, relative to the development of criteria for awarding scholarships, development of scholarship application forms, application deadlines, scholarship amounts, provisions for continuing eligibility, and other procedures necessary to administer the room and board scholarships.

(b) There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the room and board scholarship fund. The state treasurer shall invest the fund pursuant to RSA 6:8 and earnings shall be added to the fund. The fund shall be continually appropriated to the ~~[postsecondary education commission]~~ **division of higher education** for the purpose of providing room and board scholarships as provided in this section, and shall not be diverted or used for any other purpose. The ~~[commission]~~ **director of the division of higher education** may apply for and accept gifts, grants, and donations from any source to be used for the purpose of providing room and board scholarships as provided in this section.

134 New Section; State College and University System; Tuition Waivers for Foster Children. Amend RSA 187-A by inserting after section 20-a the following new section:

187-A:20-b Tuition Waiver for Children in State Foster Care or Guardianship.

I. An eligible individual who enrolls full-time in a program leading to a certificate, associate's, or bachelor's degree at any public postsecondary institution within the state that is approved by the department of education, division of higher education, shall not be required to pay tuition or fees for attendance at such institution.

II. In this subdivision, an eligible individual is a person who is less than 23 years of age and who is or was:

(a) In state foster care for the immediate 6-month period prior to his or her 18th birthday;

(b) In state guardianship or custody at the time of his or her 18th birthday;

(c) Adopted while in state guardianship or adopted from the care, custody, and control of the department following a surrender of parental rights; or

(d) In an out-of-home placement under the supervision of the division for juvenile justice services at the time of his or her 17th birthday.

III.(a) Eligible individuals interested in a tuition waiver shall annually apply to the division of higher education on a form provided by the division of higher education and within the deadlines established by the division of higher education. No more than 20 tuition waivers per year shall be granted. The department of education shall adopt rules, pursuant to RSA 541-A, relative to the development of eligibility criteria designed to give the children with the greatest financial need first priority in the tuition waiver program, the creation of an application form, application deadlines, and provisions for continuing eligibility which require continued full-time enrollment as provided in this section and maintaining satisfactory academic progress as defined by the institution.

(b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the division of children, youth and families shall submit a report to the health and human services oversight committee,

established in RSA 126-A:13, and the house children and family law committee, or their successor committees, detailing the status of the tuition waiver program.

135 Scholarships for Orphans of Veterans. Amend RSA 193:21 to read as follows:

193:21 Payment. The amounts payable to recipients shall be determined by the ~~[postsecondary education commission]~~ **department of education, division of higher education**. The ~~[commission]~~ **department** shall determine the eligibility in accordance with rules adopted under RSA 541-A of the children who make application for the benefits provided for in this subdivision~~[- provided that no member of the commission shall receive any compensation for such service.]~~

136 College Tuition Savings Plan; Commission Established. Amend RSA 195-H:2, I(a)(7) to read as follows:

(7) ~~[One member of the postsecondary education commission, appointed by the members of such commission]~~ **One member of the higher education commission established in RSA 21-N:8-a, II, appointed by majority vote of the members of the commission.**

137 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:3 to read as follows:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. The second resident member shall be the ~~[executive director of the postsecondary education commission]~~ **director of the division of higher education, department of education**. The third resident member shall be the chancellor of the community college system of New Hampshire. The fourth and fifth resident members shall be citizens of the state appointed by the governor and council. The sixth resident member shall be a member of the house of representatives appointed by the speaker of the house. The seventh member shall be a member of the senate appointed by the president of the senate. The eighth resident member shall be a representative of a private college in New Hampshire appointed by the governor and council. The term of office for each of the first 3 resident members shall be concurrent with his or her term as chancellor or ~~[executive director]~~ **director**. The term of office for each of the latter 5 resident members shall be for 4 years and until a successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his or her expenses actually and necessarily incurred by the member in the performance of his or her duties as a member. In addition to their expenses, the fourth, fifth, sixth, seventh, and eighth members shall receive \$15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such 5 members shall not exceed the sum of \$500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

138 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:5 and 6 to read as follows:

200-A:5 Certification to [~~Postsecondary Education Commission~~] **Department of Education**. The New England Board of Higher Education shall certify to the [~~postsecondary education commission~~] **department of education, division of higher education** on or before October 1 of the year preceding each legislative session the amounts needed to carry out the purposes of RSA 200-A:4 for the coming biennium. Upon such certification, the [~~postsecondary education commission~~] **division** shall include such amounts in the budget request for its [~~department~~] **division**. The sums appropriated by the legislature in accordance with the provisions of this subdivision shall be a continuing appropriation and shall not lapse.

200-A:6 Payments From Funds. The amount that may be or may become due to any college, university, or institution shall be payable by the state treasurer to such institution from funds appropriated for carrying out the purposes hereof upon certification by the New England Board of Higher Education. Said board, before approving such vouchers, shall satisfy itself that such student would be unable to receive the course of instruction at any institution of public education in New Hampshire, and shall satisfy itself that the charge made by said institution is in accordance with the terms and conditions of the regional and/or reciprocal agreement in effect between the New England Board of Higher Education and the charging institution. The [~~postsecondary education commission~~] **department of education, division of higher education** shall examine and audit the accounts showing the payments made by the board under the authority of this section. In submitting the budget request made by it pursuant to the certification of the board as provided in RSA 200-A:5, the [~~postsecondary education commission~~] **division** shall forward with such request a report of such examination and audit, showing the details of such payments for the 2 fiscal years next preceding the time of said budget requests.

139 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:8 and 9 to read as follows:

200-A:8 Enforcement. The [~~postsecondary education commission~~] **department of education, division of higher education** is authorized to enforce the collection of accounts that become due under the loan provisions of this chapter.

200-A:9 Repayment of Funds by Medical Students. The [~~postsecondary education commission~~] **department of education, division of higher education** shall prepare a note for signature of any medical student who is a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur, provided, however, that if the recipient continues without interruption **of his or her** medical education and/or his **or her** intern requirements said anniversary date shall be the anniversary of the date on which said continued education or internship terminates. Within a period equal to twice the number of school years of his respective enrollment, plus one year, all installments shall be paid in full to the [~~postsecondary education commission~~] **division**. The [~~postsecondary education commission~~] **division** shall reduce any annual installment by 1/2, providing the recipient has practiced medicine on a full time basis in New Hampshire during 8 of the preceding 12 months.

140 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:1, II to read as follows:

II. "Net tuition" means tuition costs for post-secondary school education that was directed toward the completion of a degree or certificate in judicial reporting, broadcast captioning, real time transcription, or sign language interpretation, or any other degree or certificate that the ~~[postsecondary education commission]~~ **department of education, division of higher education** deems acceptable for purposes of CART provider and sign language interpreter net tuition repayment.

141 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:2 and 3 to read as follows:

200-M:2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program Established. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall administer a program for the promotion, acquisition, and retention of CART providers and sign language interpreters in the state.

200-M:3 Application; Repayment. An individual who has completed eligible CART or sign language interpreter training in accordance with rules adopted pursuant to RSA 200-M:5, including internships and residencies, and agrees to work as a CART provider or a sign language interpreter in this state, may apply to the ~~[postsecondary education commission]~~ **department of education, division of higher education** for repayment under the CART provider and sign language interpreter net tuition repayment program and become eligible to be reimbursed up to 100 percent of his or her qualifying tuition not to exceed the cost of 4 years of in-state tuition at the university of New Hampshire, during a 5-year period of working as a CART provider or sign language interpreter. A 10 percent net tuition repayment shall be made upon completion of the first year of employment in this state, with an additional 10 percent made after the second year of work, an additional 20 percent after the third year of work, an additional 30 percent after the fourth year of work, and an additional 30 percent after the fifth year of work.

142 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:4, I to read as follows:

I. There is hereby established in the office of the state treasurer a fund to be known as the CART provider and sign language interpreter net tuition repayment fund. The fund shall include any sums appropriated for such purpose. In addition, the ~~[postsecondary education commission is authorized to]~~ **department of education, division of higher education** may accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this chapter. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the ~~[postsecondary education commission]~~ **department of education**. The fund may be expended by the ~~[postsecondary education commission]~~ **department of education** to accomplish the purposes of this chapter. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund.

143 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:5 to read as follows:

200-M:5 Administration; Rulemaking. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall adopt rules, pursuant to RSA 541-A, relative to procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for terms of service by a CART provider and/or sign language interpreter, procedures for repayment of net tuition costs, and the administration of the program by the ~~[postsecondary education commis-~~

sion] *department of education, division of higher education*. The commissioner of the [~~postsecondary education commission~~] *department of education* shall annually report to the general court on the effectiveness of this program.

144 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(b)(1) to read as follows:

(1) Seek and receive approval from the [~~postsecondary education commission~~] *department of education, division of higher education* prior to applying for approval from the board.

145 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(c) to read as follows:

(c) The board shall approve, disapprove, or withdraw approval for nursing assistant education programs that meet or fail to meet the requirements of this chapter and the rules adopted by the board. The board shall require that nursing assistant education programs seek and receive approval from the [~~postsecondary education commission~~] *department of education, division of higher education* prior to applying for approval from the board.

146 Higher Education Corporations; Terms Defined. Amend RSA 292:8-b, I to read as follows:

I. "Commission" means the [~~postsecondary education commission, established by RSA 188-D~~] *higher education commission established in RSA 21-N:8-a*.

147 Higher Education Corporations. Amend RSA 292:8-c to read as follows:

292:8-c Organization. The articles of agreement for the purpose of organizing a corporation for the establishment of an institution for postsecondary education or higher learning shall be submitted to the [~~postsecondary education~~] commission for its consent for said incorporation.

148 Higher Education Corporations. Amend RSA 292:8-h, III to read as follows:

III. The [~~postsecondary education~~] commission shall specify the degrees an institution may grant, and the commission may renew, for a set term of years, degree granting authority granted by the legislature. The commission's actions shall be subject to biennial certification by the legislature. The commission shall report its action by January 31 of each odd-numbered year to both the house and senate standing committees on education.

149 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ee to read as follows:

292:8-ee Freedom From Liability. No [~~member of the postsecondary education commission nor~~] *employee of the division, member of the commission, or* any member of an evaluation committee established under any provision of this subdivision shall be held personally liable, either as an individual or as a member of a group, for any loss which may accrue to an educational institution as a result of the denial of degree granting authority under any section of this subdivision, so long as said *employee or* member was acting in good faith in the furtherance of duties as [~~a member of the postsecondary education commission~~] *an employee of the division or member of the commission* or an evaluation committee. All such members shall be entitled to the protections afforded by RSA 99-D.

150 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ff, III to read as follows:

III. The commission shall suspend or revoke the accreditation or degree granting authority of any institution which no longer meets the standards established by rule [~~under RSA 188-D:8-a~~] *RSA 21-N:8-a, II(e)*.

151 Higher Education Corporations; Reports Required. Amend RSA 292:8-kk to read as follows:

292:8-kk Reports Required.

I. When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the original written academic record, or a legible, certified copy thereof as defined by the institution, of each student who has been registered for instruction at the institution shall be forwarded to the ~~[postsecondary education]~~ commission together with an explanation of the institution's credit and grading system. The ~~[postsecondary education]~~ commission shall preserve these records and upon request of the individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished to be paid to the commission shall be sufficient to cover related costs.

II. All transcript request fees collected by the ~~[postsecondary education]~~ commission under this section shall be deposited into a nonlapsing, revolving fund to be used for managing the storage, maintenance, and retrieval of closed school transcripts.

152 Postsecondary Education Commission; Transfer of Powers, Duties, and Programs to the Department of Education, Division of Higher Education and the Higher Education Commission.

I. Notwithstanding any provision of law to the contrary, the following programs are hereby transferred to the department of education, division of higher education as of July 1, 2011:

- (a) Scholarships for orphans of veterans pursuant to RSA 193:19-21.
- (b) Scholarships awarded under New England board of higher education compact pursuant to RSA 200-A.
- (d) Veterans education services pursuant to RSA 188-D:24.
- (e) The tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.
- (f) The tuition waiver program for foster children established in RSA 187-A:20-b.
- (g) The Paul Douglas scholarship program.
- (h) The College Access Challenge grant.
- (i) The CART provider and sign language interpreter net tuition program.

II. Notwithstanding any provision of law to the contrary, the following programs are hereby transferred to the higher education commission established in RSA 21-N:8-a, II as of July 1, 2011:

- (a) The approval of new educational programs and regulation of institutions of higher education pursuant to RSA 292:8-h through RSA 292:8-kk.
- (b) Regulation of private postsecondary career schools pursuant to RSA 188-G.
- (c) Administration of the integrated postsecondary education data system as developed by the United States Department of Education, Institute of Education Sciences.

III. The transfer required in this section shall include all of the equipment, books, papers, and records of the postsecondary education commission. All existing rules, statutory responsibilities, regulations, and procedures relating to the transferred programs in effect, in operation, or adopted in or by the postsecondary education commission are hereby transferred to the department of education, division of higher education or the higher education commission and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

153 New Chapter; Private Postsecondary Career Schools. Amend RSA by inserting after chapter 188-F the following new chapter:

CHAPTER 188-G

PRIVATE POSTSECONDARY CAREER SCHOOLS

188-G:1 Definitions; Exclusions.

I. In this chapter:

(a) "Alternative delivery" means a mode of instruction, which does not involve face-to-face instruction between instructor and student in the same geographic location. This mode of instruction shall include Internet, televised, video, telephonic, and correspondence media.

(b) "Commission" means the higher education commission established in RSA 21-N:8-a, II.

(c) "Commissioner" means the commissioner of the department of education.

(d) "Conference" or "seminar" means a scheduled meeting of 2 or more persons for discussing matters of common concern and where, if training or education is offered, it shall be incidental to the purpose of the conference.

(e) "Director" means the director of the division of higher education in the department of education.

(f) "Division" means the department of education, division of higher education.

(g) "Entity" means any individual, firm, partnership, association, corporation, organization, trust, school, or other legal entity or combination of these entities.

(h) "Operating balance" means the amount of funds necessary for indemnification as determined by the director.

(i) "Physical presence" means any physical location, place of contact, telephone exchange, or mail drop in this state, and if an individual is conducting one or more of the following activities within this state:

- (1) Advertising.
- (2) Solicitation of potential students.
- (3) Enrollment of students.
- (4) Providing student services.
- (5) Student mentoring.
- (6) Instruction of students.

(j) "Private postsecondary career school" means any for-profit or nonprofit postsecondary career entity maintaining a physical presence in this state providing education or training for tuition or a fee that enhances a person's occupational skills, or provides continuing education or certification, or fulfills a training or education requirement in one's employment, career, trade, profession, or occupation. Schools that offer resident or non-resident programs, including programs using modes of alternative delivery, beyond the secondary school level to an entity shall be included in this definition regardless of the fact that the school's tuition and fees from education and training programs constitute only a part of the school's revenue.

(k) "Vendor" means an entity that promotes or exchanges goods or services for money.

(l) "Workshop" means a brief, intensive education or training program that focuses on developing techniques and skills in a particular area.

II. "Private postsecondary career school" shall not include:

(a) Schools authorized to grant degrees pursuant to RSA 292.

(b) Schools specifically licensed as an education or training school by a state agency other than the commission.

(c) Schools operated by a business organization exclusively for the training of that business' own employees and at no charge to its employees.

(d) Schools offering noncredit courses exclusively for avocational purposes.

(e) Schools established, operated, and governed by the state of New Hampshire or any of its political subdivisions, or any other state or its political subdivisions.

(f) Noncredit courses or programs sponsored by recognized trade, business, or professional organizations solely for the instruction of their members that do not prepare or qualify individuals for employment in any occupation or trade.

(g) Schools that offer programs and courses exclusively on federal military installations.

(h) Companies, individuals, or other legal entities that offer training at seminars, workshops, or conferences, if :

(1) Any training or education offered is incidental to the purpose of the seminar, workshop, or conference; and

(2) The attendee receiving the training is not awarded any form of a certificate, diploma, or credit including continuing education units for having received the training.

(i) Vendors that offer incidental training associated with the purchase of a product from said vendor, if the training is at no cost, its purpose is to familiarize the purchaser with its use and the purchaser is not awarded any form of a certificate or diploma for having received the training.

(j) An individual or facility training students under 14 C.F.R. part 91 or 14 C.F.R. part 141, or receiving flight or ground instruction required by the Federal Aviation Administration.

(k) Entities offering only training courses at a total cost, including tuition and all other fees and charges of not more than \$800 per course for which no payment, including a deposit, is required or collected prior to the first day of the course. This subparagraph shall not apply to entities that use alternative delivery methods.

(l) Entities offering training in the trades that have been approved by a state agency with appropriate jurisdiction, including but not limited to the plumbers' board, the electricians' board, the office of the state fire marshal, and the division of fire standards and training and emergency medical services.

(m) Computer technology vendors that offer fee based training on courses of instruction in the use of hardware or software if the course is offered to purchasers of such hardware or software, or to the purchaser's employees, by a person who manufactures and sells, develops and sells, or supports the hardware or software, and if the seller is not primarily engaged in the business of providing courses of instruction in the use of the hardware or software.

(n) Entities that license software, the content of which is focused on training or education, if the entity:

(1) Is primarily engaged in the business of licensing software;

(2) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;

(3) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software that it licenses;

(4) Is not accredited and does not seek accreditation in connection with the software that it licenses or the content it offers; and

(5) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software that it licenses.
188-G:2 Licenses and Fees.

I. Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the commission to determine if the entity requires a license. The commission shall establish procedures to accomplish this review.

II. A private postsecondary career school maintaining a physical presence in this state shall register to obtain a license or license renewal from the commission. The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the commission. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

III. A school that is not required to obtain a license may apply for a license and, upon issuance of the license, shall be subject to the provisions of this chapter. Such school may voluntarily surrender its license and revert to its original status.

IV. The commission shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this chapter.

V. A private postsecondary career school which the commission has determined requires a license shall, prior to the issuance of a license, comply with this section, RSA 188-G:3, and RSA 188-G:4.

188-G:3 Surety Indemnification. Before a license is issued or renewed, a school shall meet the requirements of this section or RSA 188-G:4, by providing acceptable surety indemnification as determined in this section.

I. A surety bond shall be provided by the school in an amount prescribed in this section. The obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the school and entity enrolling as students. The bond shall be issued by a company authorized to do business in the state of New Hampshire. The bond shall be issued in the name of the commission, and is to be used only for payment of a refund of tuition and instructional fees due to a student or potential student, and the expense of investigating and processing the claims.

II. The amount of such bond shall be based on income from tuition at 10 percent of gross tuition, with a \$10,000 minimum. If a school licensed under RSA 188-G:2 should fail to provide the services required in a contract with any entity, as determined by a court of competent jurisdiction, the bond shall be forfeited, and the proceeds distributed by the director in such manner as justice and the circumstances require.

III. The bond company may not be relieved of liability on the bond unless it gives the school and the commission 90 days written notice of the company's intent to cancel the bond. If at any time the company that issued the bond cancels or discontinues the coverage, the school's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the commission.

IV. For the purposes of this section the forms of indemnification other than a surety bond which may be furnished to the commission for licensure are the following:

(a) An irrevocable letter of credit, maintained for the licensing period as a minimum, issued by a financial institution authorized to do business in New Hampshire in an amount to be determined by the commission with the commission designated as the beneficiary; or

(b) A term deposit account held in the state treasury, payable to the commission, shall be held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the commission. Any interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all moneys on deposit, including any interest, shall be released to the appropriate school subject to the approval of the commission.

188-G:4 Student Tuition Guaranty Fund.

I.(a) A student tuition guaranty fund is hereby established within the department of education, division of higher education and shall be administered by the director.

(b) The fund shall be funded from an annual fee to be established by rule and assessed against each school duly licensed by the commission and all applicants for a license under RSA 188-G:2.

(c) The funds shall be placed in an interest-bearing account in the office of the state treasurer and the state treasurer shall deposit all interest earned on the funds into the account.

(d) The fund shall be used to reimburse students when a school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. The owner of a school which fails to perform its contractual obligations shall be personally liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

II. The department of education, in consultation with the commission, shall adopt rules, pursuant to RSA 541-A, relative to the administration and maintenance of the fund.

188-G:5 Inspections. The commission may at any time inspect the premises, curriculum, teaching materials, faculty performance, sales literature, financial data, or other matters which are relevant to the educational and business activities of a licensed school in order to determine compliance with applicable laws and rules.

188-G:6 Revocation; Hearing. The commission may, after due notice and hearing, revoke the license of any school licensed pursuant to RSA 188-G:2 for violating the provisions of this chapter or rules adopted hereunder. The provisions of RSA 541 shall apply to actions taken pursuant to this section.

188-G:7 Waiting Period. Every contract that purports to bind any entity to pay money to a private postsecondary career school in return for training shall be construed to be a home solicitation sales contract under RSA 361-B and shall be subject to the provisions of RSA 361-B.

188-G:8 Veterans, Education and Services Approval. The division may approve for veterans' education and services any institution licensed under this chapter. The department of education may adopt rules, under RSA 541-A, relative to the procedures for approval of institutions for veterans' education and benefits.

188-G:9 Use of Fees. Notwithstanding any provision of law to the contrary, all license fees collected under the provisions of this chapter shall be retained by the commission for use in meeting the expenses of administering this chapter.

188-G:10 Penalty.

I. Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the commission determines that a person is violating any provision of this chapter or the rules adopted hereunder, the commission shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. The commission, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.

IV. The commission shall be notified whenever a cease and desist order is issued to a school, or if a school fails to provide the services required under a contract with any entity causing the bond to be forfeited, or if a school is required to have a license but is operating without a license.

154 Application of Receipts; Funds Collected by the Department of Education. Amend RSA 6:12, I(b)(228) to read as follows:

(228) Fees ~~[deposited in the postsecondary education vocational school licensing fund under RSA 188-D:25]~~ **collected by the department of education, division of higher education pursuant to RSA 188-G:9.**

155 Application of Receipts; Student Tuition Guaranty Fund. Amend RSA 6:12, I(b)(233) to read as follows:

(233) Moneys deposited in the student tuition guaranty fund established in RSA ~~[188-D:20-b]~~ **188-G:4.**

156 Distribution of Adequate Education Grants. RSA 198:42, IV is repealed and reenacted to read as follows:

IV. For the fiscal year beginning July 1, 2011, and every fiscal year thereafter, with the approval of the fiscal committee of the general court and the governor and council, the department of education may expend funds in excess of budgeted amounts as necessary to fund chartered public school tuition payments under RSA 194-B:11, I. Said funds shall be paid from the education trust fund established under RSA 198:39 upon the warrant of the governor out of any money in the fund not otherwise appropriated.

157 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(c) to read as follows:

(c) ~~[Notwithstanding RSA 198:42,]~~ The commissioner of the department of education shall calculate and distribute chartered public school tuition payments as set forth herein. The first payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils present on the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, the commissioner of the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible chartered public schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year.

158 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a [~~and RSA 198:40-c~~] ***plus an additional grant of \$2,000*** directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

159 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. Beginning July 1, 2009, and for every biennium thereafter, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be \$3,450 per pupil attending a public school, plus any applicable differentiated aid for which a pupil is eligible. Differentiated aid shall be ~~calculated as follows:~~

~~(a) An additional \$431 per pupil in kindergarten through grade 12 eligible for the federal free and reduced-price meal program who attends a public school in which less than 12 percent of the pupils reported in the school's ADMA in the determination year are eligible for the federal free and reduced-price meal program.~~

~~(b) An additional \$863 per pupil in a public school in which at least 12 percent but less than 24 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

~~(c) An additional \$1,725 per pupil in a public school in which at least 24 percent but less than 36 percent of pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

~~(d) An additional \$2,588 per pupil in a public school in which at least 36 percent but less than 48 percent of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program.~~

~~(e) An additional \$3,450 per pupil in a public school in which 48 percent or more of the pupils reported in the school's ADMA in the determination year, are eligible for the federal free or reduced-price meal program] in the amount of \$1,725 for each pupil in the public school's ADMA in the determination year who is in kindergarten through grade 12 and who is eligible for the federal free and reduced-price meal program.~~

II. In addition to the amount in paragraph I, an additional \$675 for each pupil reported in the public school's ADMA in the determination year who is an English language learner and who is receiving English language instruction.

II-a. An additional \$675 for each third grade pupil in the public school's ADMA in the determination year who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year.

III. In addition to the amounts in paragraphs I [~~and~~], II, ***and II-a***, an additional \$1,856 for each pupil reported in the public school's ADMA in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be used to determine the cost of an adequate education which shall be used in each year of the biennium.

(b) The department shall allocate the cost of an adequate education for each municipality by totaling the cost of an adequate education as determined in RSA 198:40-a, I-III for all children who reside in that municipality.

(c) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the cost of an adequate education for the pupils in each school within its jurisdiction sorted by the pupil's municipality of residence. In addition, the department shall furnish to each school district a report showing the cost of an adequate education for pupils who are residents of that school district sorted by a pupil's school of attendance.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

160 School Money; Determination of Grants. Amend RSA 198:41 to read as follows:

198:41 Determination of **Education** Grants [~~and Excess Tax~~].

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the [~~amount of the~~] **total** education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year[~~, and from such amount; and~~];

(c) ~~Add the fiscal capacity disparity aid pursuant to RSA 198:40-c).~~

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the [~~amount of the adequate~~] **total** education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

III. (a) For the [~~fiscal years beginning July 1, 2009 and July 1, 2010~~] **biennium ending June 30, 2013**, the department of education shall not[~~:~~]

(a) distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds that municipality's total education grant [~~for the 2009 fiscal year~~] **in the second year of the previous biennium** [by more than 15 percent; or

(b) Reduce the total state aid for an adequate education provided on behalf of all pupils who reside in a municipality to an amount less than that municipality's total state aid for an adequate education received in the 2009 fiscal year]

(b) **Beginning July 1, 2013, and each fiscal year thereafter, the department of education shall not distribute a total education**

grant on behalf of all pupils who reside in a municipality that exceeds 105.5 percent of the total education grant distributed to such municipality in the previous fiscal year.

IV. (a) For fiscal year 2012, the department of education shall identify all municipalities in which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education grant. The department shall distribute a stabilization grant to each of those municipalities equal to 100 percent of the decrease.

(b) For fiscal year 2013, and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2012 stabilization grant, if any, distributed to the municipality.

161 New Section; School Money; Severability. Amend RSA 198 by inserting after section 43 the following new section:

198:43-a Severability. If any provision of RSA 198:38 through RSA 198:43 or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of RSA 198:38 through RSA 198:43 which can be given effect without the invalid provision or application, and to this end, such provisions are declared to be severable.

162 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

[Excess Education Property Tax Payment]

Local Control and Alternative Kindergarten Programs

163 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, ~~[RSA 198:46;]~~ and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

164 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts ~~[and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund].~~ Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

165 School Money; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, ~~[2011]~~ **2013** and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

166 Repeal. The following are hereby repealed:

I. RSA 198:40-c, relative to fiscal capacity disparity aid.

II. RSA 198:46, relative to excess education tax payments.

III. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

IV. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

167 Municipal Budget Law, Lapse of Appropriations. Notwithstanding any law to the contrary, the \$20,000,000 in federal funds approved by the fiscal committee of the general court for distribution to local school districts in fiscal year 2011 from the Education Jobs program shall not lapse at the end of the school district's 2011 fiscal year. Any such moneys not expended by the school districts by the end of their 2011 fiscal year shall be carried over for use in the school district's 2012 fiscal year in accordance with federal law.

168 Veterinary Medicine; Biennial License Renewal. Amend RSA 332-B:13 to read as follows:

332-B:13 License Expiration and Renewal.

I. All licenses shall expire *biennially* on December 31 of each *even-numbered year for even-numbered licenses and on December 31 of each odd-numbered year for odd-numbered licenses* but may automatically be renewed by filing a renewal application and paying a renewal fee established in rules adopted by the board, subject to paragraph II; *except that for licenses which expire December 31, 2011, odd numbered licenses shall be issued for 2 years and even numbered licenses shall be issued for one year, and the board shall charge fees accordingly. Not later than* one month prior to the expiration date, the board shall mail a notice to licensed veterinarians that their license will expire on December 31 and provide them with a license renewal application. Persons previously licensed who allow their license to lapse shall be required to file a reinstatement application containing such information as required by the board. Persons who have allowed their license to lapse more than 5 years shall apply for reinstatement of licensure in accordance with RSA 332-B:17.

II. The board may by rule waive the payment of the [registration] renewal fee of a licensed veterinarian during the period when the person is on active duty with any branch of the armed services of the United States, not to exceed 3 years or the duration of a national emergency, whichever is longer.

III. As a condition of renewal of license, each licensed veterinarian shall be required to show proof that he or she has attended an approved educational program or programs totaling at least [12] **24** hours [per calendar year] *in the 2-year period* preceding each renewal date. Approved educational programs shall be at the discretion of the board, in accordance with rules adopted by the board. The board may excuse a licensee from all or a portion of the educational requirement upon the filing of a petition establishing good cause for the waiver as set forth in rules adopted by the board.

169 Veterinary Medicine; Reference to Annual Renewal Changed. Amend RSA 332-B:8 to read as follows:

332-B:8 Status of Persons Previously Licensed. Any person holding a valid license to practice veterinary medicine in this state on August 24, 1971, shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as the person complies with the provisions of this chapter, including [annual] *biennial* renewal of the license.

170 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For ~~[all]~~ members *who have attained vested status prior to January 1, 2012* the full base rate of compensation paid, *as determined by the employer*, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities ~~[or for other extra or special duty]~~, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. *Compensation for extra and special duty, as determined by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.* However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) *For members who begin service after December 31, 2011 or who are not in vested status on January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity pay, cost of living bonus, additional pay for extracurricular and instructional activities, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special*

duty, as determined by the employer, shall be included but limited during the highest 5 years of creditable service as provided in paragraph XVIII. Earnable compensation shall not include incentives to encourage members to retire, severance pay, and pay for unused sick or vacation time. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

171 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For members who have attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

(b) For members who began service after December 31, 2011 or have not attained vested status on January 1, 2012, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 5 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

172 Maximum Initial Benefit; Effective 2016. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, [~~for members who commenced service before July 1, 2009,~~] a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of [~~earnable compensation~~] **full base rate of compensation paid**. [~~For members who commenced service on or after July 1, 2009, a member's~~

~~maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.]~~ Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances under RSA 100-A:41-a.

173 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II *who is in vested status before January 1, 2012*, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, *and any group II member who commenced service after December 31, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d).*

174 Service Retirement; Group II. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, *who is in vested status before January 1, 2012*, who has attained age 45 and completed 20 years of creditable service, *and any group II member who commenced service after December 31, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members not in vested status on January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d)*, or *any group II member in service* who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before January 1, 2012*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service after December 31, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 50 years, and group*

II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50.

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who ***is in vested status before January 1, 2012 and*** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, ***and any group II member who commenced service after December 31, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d),*** shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

(d) ***Active group II members who are not in vested status on January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on January 1, 2012 according to the following table:***

<i>Creditable service on January 1, 2012</i>	<i>Minimum years of service</i>	<i>Minimum age attained</i>	<i>Annuity multiplier</i>
<i>(1) Less than 4 years</i>	<i>24</i>	<i>age 49</i>	<i>2.1%</i>
<i>(2) At least 4 years but less than 6 years</i>	<i>23</i>	<i>age 48</i>	<i>2.2%</i>
<i>(3) At least 6 years but less than 8 years</i>	<i>22</i>	<i>age 47</i>	<i>2.3%</i>
<i>(4) At least 8 years but less than 10 years</i>	<i>21</i>	<i>age 46</i>	<i>2.4%</i>

175 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his ***or her*** accumulated contributions at the time of his ***or her*** ordinary disability retirement; and a state annuity which, together with his ***or her*** member annuity, ***for members who are in vested status before January 1, 2012,*** shall be equal to 2-1/2 percent of his ***or her*** average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his ***or her*** creditable service not in excess of 40 at the time of [his] ordinary disability retirement, ***or for members who commenced service after December 31, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 50 at the time of ordinary disability retirement, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between***

40 and 50 provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

176 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement.

(1) For members who are in vested status before January 1, 2012, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) For members who commenced service after December 31, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 33-1/3 but not in excess of 50 years.

(3) For group II members not in vested status on January 1, 2012 calculation of the supplemental allowance shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the number of years for the supplement adjusted proportionally.

177 Vested Deferred Retirement; Group II. Amend RSA 100-A:10, II(b) to read as follows:

(b) **For members who are in vested status before January 1, 2012**, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, **or for members who commenced service after December 31, 2011**, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, **and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)**, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

178 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member **who is in vested status before January 1, 2012 and**, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) For a member who commenced service after December 31, 2011 and who has completed 25 or more years of combined credit-

able service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years.

(c) For group II members not in vested status on January 1, 2012, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.

179 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 **for members who are in vested status with group II service before September 1, 2011 or at least 50 for members who commenced group II service after December 31, 2011, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)**, and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

180 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

(1) ~~Employees of employers other than the state 5.00~~
~~Employees of the state hired on or before June 30, 2009 5.00~~
~~Employees of the state hired after June 30, 2009 7.00~~
~~Teachers 5.00~~
Group I members, 7.00

(2) ~~Permanent Policemen 9.30~~
~~Permanent Firemen 9.30~~

Group II permanent fireman members, 11.80
Group II permanent police members, 11.55

(aa) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members **who are in vested status before January 1, 2012** with creditable service in excess of 40 years **and group II members who commenced service after December 31, 2011 with creditable service in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50**, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each

and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who is in vested status before January 1, 2012* with creditable service in excess of 40 years, *and any group II member who commenced service after December 31, 2011 with creditable service in excess of 50 years, and group II members not in vested status on January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years adjusted proportionally between 40 and 50*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

181 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint 2 trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of one of the nonmember trustees shall be for a term of one year. The remaining ~~[11]~~ **10** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen]:~~ **one employee member, one teacher member, one permanent police member, one permanent fireman member, 4 employer members;** one member of the senate who shall be appointed annually by the senate president, *and* one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house~~[-and one person representing management in local government]~~. Whenever a vacancy occurs *for a legislative member*, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire

education association, the New Hampshire police association, *and* the New Hampshire state permanent firemen's association~~], and the New Hampshire Local Government Center]~~ shall each annually nominate from their members a panel of 5 persons, all of whom ~~[except for the panel of the Local Government Center]~~ shall be active members of the retirement system~~], or one of the 4 predecessor systems]~~, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels the governor and council shall appoint ~~[one person annually to]~~ *the active member trustees of the board*~~], except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~ *as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees.* Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term ~~[from the same panel from which the former member was appointed]~~. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

182 Quorum. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee, including the chairman, shall be entitled to one vote in the board of trustees. ~~[Seven]~~ *Six* trustees shall constitute a quorum for the transaction of any business of the board of trustees. ~~[Seven]~~ *Six* votes shall be necessary for any resolution or action by the board at any meeting.

183 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to changes to the retirement system board of trustees made by this act, upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I.

184 Repeal of Special Account Funding. RSA 100-A:16, II(h)(2), relative to the method of allocating funds to the special account, is repealed.

185 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. A group I member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members

shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined ~~[under RSA 100-A:16, II(h)]~~ **by the trustees** or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

186 Return of Members' Contributions; Reference to Assumed Rate of Return. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. A group II member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined ~~[under RSA 100-A:16, II(h)]~~ **by the trustees** or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

187 Medical Benefits Subsidy; Payment by Retirement System. Amend RSA 100-A:52, II to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$101.50 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$64 per month. As of July 1, 1991, and on each July 1 until and including July 1, 2007, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases. After July 1, 2007 ~~[and until and~~

~~including July 1, 2011], the rate payable under this paragraph shall not be increased. [As of July 1, 2012, and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 4 percent, compounded on previous increases.]~~

188 New Sections; Retirement System; Return to Work; Form Required. Amend RSA 100-A by inserting after section 27 the following new sections:

100-A:27-a Return to Work; Suspension of Benefits. No person who retires after January 1, 2012 and is receiving retirement benefits under this chapter shall within 6 months of his or her retirement be employed by the state or another participating employer. Beginning January 1, 2012, no person shall be hired into a full-time position for which membership is required under RSA 100-A:3, or hired into a full-time state position for which membership is optional under RSA 100-A:3, I, while concurrently receiving a retirement benefit under this chapter. Benefits shall be suspended during any such period of employment.

100-A:27-b Form Required. The retirement system shall provide to employers a form to be signed, dated, and submitted by persons hired by the employer containing such information as determined necessary by the retirement system and a statement establishing that the person is not currently receiving an allowance under this chapter. Employers shall submit such forms to the retirement system.

189 Repeal. 2002, 137:7, relative to the application of the repeal of former RSA 100-A:3, I(c), is repealed.

190 Transfer Required; Special Account of the Retirement System. The board of trustees of the retirement system shall forthwith transfer the remaining balance in each of the components of the special account established under RSA 100-A:16, II(h) to the state annuity accumulation fund.

191 Study Committee Established; Voluntary Defined Contribution Plan.

I. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

II. The members of the committee shall be as follows:

(a) One member of the senate, who shall be from the executive departments and administration committee, appointed by the president of the senate.

(b) Three members of the house of representatives, each of whom shall be from the special committee on public employee pensions reform, appointed by the speaker of the house of representatives.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

192 Repeal. The following are repealed:

I. RSA 100-A:16, III-a, relative to employer assessments for excess benefits paid by employers in the retirement system.

II. RSA 100-A:4-b, relative to group I employees and teachers purchase of credit for out-of-state service.

III. RSA 100-A:4-c, relative to group II members purchase of credit for out-of state service.

193 Severability. If any provision of sections 170-192 of this act or the application of such provision to any person or circumstance is held invalid or is deemed not to comply with applicable law or regulations of the Internal Revenue Service so as to jeopardize the retirement system's status as a qualified governmental pension plan, the invalidity or non-compliance does not affect other provisions or applications of such sections of this act which can be given effect without the invalid provisions or applications, and to this end such provisions of this act are severable.

194 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of this act. The recertification of such rates shall be a recalculation of those rates previously established, using the same actuarial assumptions that were applied for the initial calculation. This recertification shall not include the lower assumed rate of return recently approved by the retirement system board of trustees which shall take effect in fiscal year 2014. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective as soon as possible following July 1, 2011. The recertification of employer contribution percentages shall be effective when provided to each employer within a reasonable period of time not to exceed 30 days from the recertification. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

195 Contingency; Retirement System Changes. If SB 3-FN-A-LOCAL of the 2011 legislative session becomes law then sections 170 through 194 of this act shall not take effect.

196 Retirement System, Employer Contributions; Non-State Employees; State Share Eliminated. Amend RSA 100-A:16, II(b) and (c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that ***beginning with state fiscal year 2012 and for each state fiscal year thereafter***, any employer[, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, the employer] shall pay the full amount of such total contributions[; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions]. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II

creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that[, in the case of teachers] ***beginning with state fiscal year 2012 and for each state fiscal year thereafter***, any employer[, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state] shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

197 Statutory Construction; Publication of Notice. Amend RSA 21:32 to read as follows:

21:32 Publication of Notice; ***Publication for Statewide Circulation.***

I. By the words "publish," "published," "publishing," or "publication," when notice is required or permitted to be given by publication, shall be intended publication in a newspaper circulated in the vicinity, and the publication shall be for 3 weeks successively, and the last publication one week, at least, before the day or thing of which notice is given, unless otherwise specially provided.

II. The terms "publication of daily statewide circulation," "publication of general statewide circulation," or "publication in a newspaper of statewide circulation" regarding any requirement of any executive branch state agency, board, department, or official to provide notice under state law in respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, shall mean publication of such notice at the offices of the agency, board, department, or official; prominently on a publicly accessible Internet site maintained by the agency, board, department, or official; and in any local or regional publication circulated where the real or personal property is located or where the act, event, hearing, or other occurrence is to take place, all in accordance with the time frame for notice prescribed by law.

198 Rest Areas and Welcome Centers. Amend RSA 12-A by inserting after section 43-a the following new section:

12-A:43-b Rest Areas and Welcome Centers.

I. The department of resources and economic development shall be responsible for the staffing of rest areas and welcome centers along the state's highways. There is established in the department a bureau of visitor service to administer this function. The commissioner may consult

with the local chambers of commerce relative to said function, and shall have the authority to enter into contracts with private or public entities for said function as the commissioner deems appropriate.

II. Notwithstanding paragraph I, the department of transportation and the liquor commission may undertake and/or participate in the development of new welcome centers in Hooksett on the northbound and southbound lanes of Interstate Route 93 as authorized by the legislature.

199 Repeal. RSA 228:106, relative to the bureau of visitor service, is repealed.

200 Flood Control; Reimbursement to Cities and Towns. Amend RSA 122:4 to read as follows:

122:4 Reimbursement to Cities and Towns.

I. On a date not later than 30 days following the establishment and approval of tax rates for each city and town affected by and subject to the provisions of this chapter, the state treasurer shall pay to each town and city in which any taxable real estate or interest therein has been acquired under this chapter by the United States and thus become tax exempt for such year, a sum equal to the taxes which would have been assessed against the real estate or interest therein in such town or city if the same had been included in the list of taxable property as proposed by the commissioner of revenue administration in RSA 122:6. For land acquired by the United States under this chapter, reimbursement shall be made upon a valuation determined as provided herein on a permanently continuing basis, and if growing wood and timber was taxable as real estate on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be land hereunder. For all artificial improvements on land acquired by the United States under this chapter, including buildings, structures and other artificial real estate fixtures of any kind, reimbursement shall be made upon a valuation determined initially as provided herein and thereafter annually reduced by 2-1/2 percent so that at the end of 40 years reimbursement therefor shall have terminated. On land and improvements thereon acquired by the United States under this chapter the initial assessed valuation of the land and improvements for purposes of reimbursement shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the assessors and the commissioner of revenue administration acting as a joint board, so as to make such valuation proportional to the value of all other property in such town or city subject to taxation. For purposes of this section the joint board may subdivide such assessment equitably between land and improvements thereon or between real estate acquired and that not acquired, if the official assessment was not thus subdivided. The valuations of improvements thus determined shall thereafter be annually reduced over a 40-year period as above provided. On land, and artificial improvements, the valuations initially established as above provided in a town or city shall be reviewed by the commissioner at least once in every 5 years and more frequently if reasonably necessary and be changed as necessary to make them proportional with the assessed value of all other taxable property in such town or city. The amount of the reimbursement due to each town and city hereunder shall be determined by the commissioner and certified by it to the state treasurer not later than 30 days following the establishment and approval of the tax rates of each town and city under this chapter. The commissioner shall reduce the amount of reimbursement thus determined by any amount paid or due that town or city for that year by or from the United States, another state, an interstate flood control agency or other

source, because of such loss of taxable valuation. The governor is authorized to draw [his] **a** warrant for the payment of such reimbursements out of any money in the treasury not otherwise appropriated. Provided, however, that reimbursement payments for loss of taxes on account of the acquisition of railroad or public utility property shall be reduced to the extent that such railroad or public utility property is relocated and reconstructed in the same town or city as a result of such acquisition, and thereby is included to that extent in the list of taxable property in said town or city as relocated.

II. Notwithstanding paragraph I, the commissioner of revenue administration shall reduce the amount of reimbursement thus determined by any amount paid or due the state on behalf of a town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation. Any subsequent payments received by the state from the United States, another state, an interstate flood control agency or other source shall first be applied to outstanding amounts due the state, and any remainder shall be apportioned to the towns.

201 Assistant Director of Document Processing Deleted. Amend RSA 21-J:5, IV to read as follows:

IV. The commissioner shall appoint an assistant director for each division. Assistant division directors shall be classified employees, except for the assistant director of audits [~~and the assistant director of document processing~~], who shall be **an** unclassified [~~employees~~] **employee**.

202 Unclassified Salaries. Amend RSA 94:1-a by deleting:

FF Department of

revenue administration director of document processing

203 Document Processing Division. Amend RSA 21-J:12 to read as follows:

21-J:12 Document Processing Division. There is established within the department the division of document processing[~~, under the supervision of an unclassified director of document processing who shall be responsible~~] for processing all tax returns filed with the department.

204 Equalization Standards Board; Administrative Merger. Beginning on July 1, 2011, the administrative and business processing functions of the equalization standards board under RSA 21-J:14-c shall be merged with and performed by the assessing standards board under RSA 21-J:14-a.

205 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of Appropriation. The appropriation for the administration of the client assistance program that is received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for fiscal years 2012 and 2013 shall be transferred to the New Hampshire Disability Rights Center upon certification by the governor to the commissioner of administrative services that the program has been redesignated to the New Hampshire Disability Rights Center. If the redesignation occurs and the governor's certification is made after July 1, 2011, the unexpended portion of the appropriation shall be transferred.

206 Penalty Assessment; Waiver of Penalty. Amend RSA 188-F:31, IV as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit [~~54.17~~] **66.67** percent of the amount collected in the police standards and training council training fund, 16.67 percent of the amount collected in the victims' assistance fund, **and** 16.67 percent of the amount collected in the judicial branch information technology fund.

207 Compensation and Benefit Cost Reductions. For the biennium ending June 30, 2013, the governor shall reduce total appropriations for compensation and/or benefits for classified employees in any department, as defined in RSA 9:1, by not less than \$20,000,000 in fiscal year 2012 and not less than \$50,000,000 for the biennium, of which the general fund component shall be not less than \$20,000,000. If a plan for compensation and/or benefit reductions is not implemented as a result of negotiations with employees by September 1, 2011, the governor shall implement other compensation and/or benefit reduction measures or personnel reductions not later than December 1, 2011.

208 Department Budgets; Transfer of Federal Funds. For the biennium ending June 30, 2013, in order to maximize the use of federal grant funds and to avoid lapsing such funds where changes in the state or federal accounting systems, changes in federal grant guidelines, or overestimation or underestimation of funds required in various class codes due to program needs or requirements have occurred subsequent to the passage of the budget, every department as defined in RSA 9:1 is hereby authorized, for the biennium ending June 30, 2013, subject to the prior approval of the fiscal committee of the general court and the approval of governor and council, to transfer funds in or out of any class code and to create new class codes within federally funded areas of the department's operating budget so long as such transfers do not result in an overexpenditure of any grant.

209 Use of Federal Grants. In order to maximize the use of federal grant funds and not lapse such funds, every department as defined in RSA 9:1 is hereby authorized to carry forward budgeted appropriation balances in class from federal grants for the duration of that federal grant award from one state fiscal year to the following fiscal years subject to the approval of the commissioner of administrative services.

210 Rehiring of Laid Off Classified State Employees.

I. For purposes of this section, "laid off" means any person in a classified position as described in RSA 21-1:49 who receives written notice of the state's intent to lay him or her off or who is laid off between July 1, 2011 and June 30, 2013, as a result of reorganization or downsizing of state government.

II. It is the intent of the general court that any classified position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does not receive a promotion as a result of the rehire.

III. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2011 and June 30, 2013, to the director of the division of personnel within 10 days of the layoff.

211 Freeze of Executive Branch Hiring, Purchases, and Out-of-State Travel.

I. Except as provided in paragraph II, all full-time classified and unclassified employee positions funded in whole or in part by the general fund which are vacant on July 1, 2011 or become vacant after that date shall remain vacant until June 30, 2013 with the exception of direct care, custodial care, and law enforcement positions. The appropriation for each such position shall lapse to the salary adjustment fund under RSA 99:4 and the employee benefit adjustment account under RSA 9:17-c, as ap-

plicable. No general fund moneys appropriated for class 30 equipment or appropriated for out-of-state travel shall be expended or encumbered on or after July 1, 2011.

II. Individual exceptions to any of these provisions may be requested by any department in writing to the governor. Any exception granted by the governor shall be transmitted to the fiscal committee of the general court at its next meeting.

III. For the biennium ending June 30, 2013, no purchases shall be submitted or processed which require a standard requisition order form (P4) or an agency requisition form (P28), pursuant to purchase and property rules and procedures adopted by the department of administrative services, if the purchases are funded in whole or in part with general funds, with the exception of purchases for food, drugs, fuel, medical supplies, or items necessary under emergency conditions that are required for the continued operation of a department. The commissioner of administrative services shall have the authority to determine whether there exists an emergency condition at any department that necessitates the purchase of items.

212 General Fund Balance. Notwithstanding RSA 9:13-e, II, any budget surplus for the close of the fiscal biennium ending June 30, 2011 shall not be deposited in the revenue stabilization account but shall remain in the general fund.

213 Department of Information Technology; Technical Support Services. The department of information technology shall not discontinue technical support services to any executive branch agency, except at the request of the agency.

214 Transfers Authorized to Fund Information Technology Related Projects. Notwithstanding any provision of law to the contrary, departments, agencies, and branches may transfer moneys from any class line, except from personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

215 Department of Information Technology; Transfers Among Accounts. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the department of information technology may, subject to the approval of the fiscal committee of the general court, transfer funds within and among all accounting units within said department as necessary for the efficient management of the department.

216 Method of Financing; Unfunded Accrued Liability. Amend RSA 100-C:13, III(d) to read as follows:

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability". On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

217 Judicial Retirement Plan; Recalculation and Recertification of Employer Rate. Notwithstanding the requirements of RSA 100-C:13, I, the

board of trustees of the judicial retirement plan shall direct the plan's actuary to recalculate the employer contribution rate for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-C:13, III(d) as amended by section 216 of this act. Such recalculated employer contribution rate shall be recertified by the board of trustees to the judicial branch and shall be used by the judicial branch for state fiscal years 2012 and 2013 until the next biennial valuation.

218 Vital Records Improvement Fund; Transfers to General Fund. Notwithstanding RSA 5-C:15, the department of state shall transfer \$400,000 in the fiscal year ending June 30, 2012 and \$400,000 in the fiscal year ending June 30, 2013 from the special fund for the improvement and automation of vital records at the state and local levels established in RSA 5-C:15, also known as the vital records improvement fund, to the general fund.

219 Distribution of Rooms and Meals Tax; Division of Travel and Tourism Development. Notwithstanding any other provision of law, for the biennium ending June 30, 2013, the state treasurer shall suspend the distribution of net income pursuant to RSA 78-A:26, I(a)(2) credited to the department of resources and economic development, division of travel and tourism development.

220 Legislative Branch; Special Account; Transfer to the General Fund.

I. For fiscal year 2011, after applying the reductions authorized by SS 2010, 1:30 and 2010, 4, all unexpended and unencumbered appropriations of the legislative branch, except the state house visitor's center revolving fund established pursuant to RSA 17-E:7 shall be transferred to a special legislative account and any amount in the account in excess of \$3,000,000 shall be transferred to the general fund.

II. The legislative accountant shall allocate the original \$3,000,000 special legislative account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the senate, the house of representatives, the joint offices, and the office of legislative budget assistant. Beginning in fiscal year 2012 and each year thereafter all unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in excess of \$750,000 at the end of the fiscal year shall transfer the excess to the general fund.

III. Funds may be transferred from the senate's subaccount with prior approval of the senate subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the house of representatives' subaccount with prior approval of the house subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the joint offices' subaccount with prior approval of the joint committee on legislative facilities established pursuant to RSA 17-E:1. Funds may be transferred from the office of legislative budget assistant's subaccount with prior approval of the fiscal committee of the general court established pursuant to RSA 14:30-a.

221 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

548:17 Salaries. The annual salary of the registers of probate shall be \$100 per year.

222 Contingency. If HB 609-FN of the 2011 legislative session becomes law, section 221 of this act shall take effect July 1, 2011 at 12:01 a.m. If HB 609-FN does not become law, section 221 of this act shall not take effect.

223 Navigation Safety Fund. Amend RSA 270-E:6-a to read as follows:

270-E:6-a Navigation Safety Fund. There is established the navigation safety fund which shall be ~~[nonlapsing and]~~ continually appropriated to

the department of safety, division of ~~[safety services]~~ **state police**. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The fund shall only be used to promote the safety of navigation and the administration and enforcement of RSA 270, RSA 270-B, RSA 270-D, and RSA 270-E. ***Any balance remaining in the navigation safety fund at the close of each fiscal year shall lapse to the general fund.***

224 Fines Paid by Mail; General Fund. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of the division of motor vehicles within 30 days of the date of the summons. The director of the division of motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is credited ~~[as agency income]~~ **to the general fund** and not out of the penalty assessment charged by the district court. The director of the division of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund and the judicial branch information technology fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the state treasurer, and shall be credited ~~[as agency income by the department of safety]~~ **to the general fund** within 14 days of their receipt.

225 Carnival-Amusement Operators Rules. Amend RSA 321-A:2 to read as follows:

321-A:2 Rules. The commissioner shall adopt rules, ~~[in consultation with the amusement ride advisory board and]~~ pursuant to RSA 541-A, for the safe installation, repair, maintenance, use, operation, and inspection of all carnival or amusement rides, air supported structures, and amusement attractions, as covered by this chapter, for the protection of the general public. The rules shall be based upon generally accepted engineering standards, formulas, and practices.

226 Reference Changed. RSA 321-A:1, IV is repealed and reenacted to read as follows:

IV. "Department" means the department of safety.

227 Drug-Free School Zones; Penalty Assessment. Amend RSA 193-B:7 to read as follows:

193-B:7 Penalty Assessment~~[- Sign Fund]~~.

~~[E.]~~ In addition to the penalties imposed under RSA 193-B:6, I and RSA 318-B:26, V, every court shall levy a penalty assessment of \$100 for an offense in violation of RSA 193-B:2. ~~[Such penalty assessment shall be used to provide and replace drug-free school zone signs.]~~

~~H. There is created the drug-free school zone sign fund in the department of education to be administered by the commissioner of education.] The clerk of each court shall collect all penalty assessments and, notwithstanding RSA 6:11, shall transmit the amount collected [under paragraph I designated for the drug-free school zone sign fund to the department of education] **to the general fund.**~~

228 Repeal. RSA 6:12, I(b)(212), relative the drug-free school zone sign fund, is repealed.

229 Special Education; State Aid. Amend RSA 186-C:18, IV to read as follows:

IV. The state shall appropriate [~~\$300,000~~] **an amount** for each fiscal year to assist special education programs that are statewide in their scope, and that meet the standards for such programs established by the state board of education. Funds under this paragraph shall be administered and distributed by the state board of education through the commissioner.

230 Transfer of Marine Patrol from Department of Safety, Division of Safety Services, to the Division of State Police.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the department of safety, division of safety services, relative to the marine patrol bureau shall be transferred to the division of state police. The transfer provided in this section shall include all of the equipment, books, papers, and records related to marine patrol functions.

II. All existing rules, statutory responsibilities, regulations, and procedures relating to the marine patrol in effect, in operation, or adopted in or by the department of safety are transferred to the division of state police, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

231 New Subparagraph; State Police; Duty Added; Marine Patrol. Amend RSA 21-P:7, I by inserting after subparagraph (f) the following new subparagraph:

(g) Carrying out the duties assigned to the marine patrol bureau.

232 Fish and Game Department; Divisions Established. For the biennium ending June 30, 2013, there are established the following divisions, as defined in RSA 21-G, within the fish and game department:

I. The marine division, as specified in RSA 211:65.

II. The fisheries division.

III. The wildlife division.

IV. The business division.

V. The facilities and lands division.

VI. The law enforcement division.

VII. The public affairs division.

VIII. The office of the executive director.

233 Reference Deleted. Amend RSA 12-A:23, VIII to read as follows:

VIII. Encourage law enforcement personnel [~~and personnel within the division of safety services~~] to assist, whenever possible, the traveling public by providing them with a hospitable reception and appropriate information.

234 Reference Deleted. Amend RSA 12-G:52-b, VI to read as follows:

VI. Nothing in this section shall be construed to limit, restrict, or modify in any way authority granted to the commissioner of safety or the director of [~~safety services~~] **state police** to remove or impound boats or moorings pursuant to RSA 270 or RSA 270-B.

235 Report and Budget. Amend RSA 21-P:10-b to read as follows:

21-P:10-b [~~Division of Safety Services~~] Report and Budget.

I. The department of safety shall submit as part of the annual report required under RSA 20:7, a report on [the training and educational programs offered or contracted by the division of safety services,] the revenue generated from safe boater education certificates[, and the budget and revenue projections of the division].

II. In conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include ~~[financial responsibility for and the costs of all training and educational programs offered or contracted by the division of safety services,]~~ the revenue generated from safe boater education certificates[-] and all revenues and expenditures of the navigation safety fund established in RSA 270-E:6-a.

236 Compensation of Certain State Officers; Salaries Established.
Amend RSA 94:1-a, I(b) as follows:

Delete:

FF Department of safety director of safety services

237 Reference Deleted. Amend RSA 153:9 to read as follows:

153:9 Assistants, Clerical. Subject to the state personnel regulations, and within the limits of available appropriations and funds, the ~~[director of safety services,]~~ department of safety~~[-]~~ shall furnish such additional clerical and secretarial assistants as may be necessary to carry out the duties and functions of the state fire marshal.

238 Endangered Wildlife Species. Amend RSA 212-A:5, IV to read as follows:

IV. The executive director ~~[and the director of safety services]~~ may ~~[independently or in concert]~~ adopt and enforce rules temporarily restricting boat traffic on any waters of this state as ~~[either]~~ ***the executive*** director deems necessary to protect any threatened or endangered species of wildlife in the earliest stages of life.

239 Reference Deleted. Amend RSA 225-A:1-a to read as follows:

225-A:1-a Administratively Attached. The passenger tramway safety board shall be an administratively attached agency, under RSA 21-G:10, to the department of safety[~~, division of safety services~~].

240 Reference Deleted. Amend RSA 225-A:2, II to read as follows:

II. "Department" means the department of safety~~[-, division of safety services]~~.

241 Passenger Tramway Safety Board. Amend RSA 225-A:3-a to read as follows:

225-A:3-a Passenger Tramway Safety Board. There shall be a passenger tramway safety board of 4 appointive members ~~and the director of safety services ex officio~~. The appointive members shall be appointed by the governor, with the advice and consent of the council, from persons representing the following interests: one member who operates a "surface lift" as ~~defined~~ **described** in RSA 225-A:2, I(e)-(g) only and one member from the cable and other passenger carrying devices industry, and in making such appointments consideration shall be given to recommendations made by members of the industry, so that both the devices which pull skiers riding on skis and the devices which transport passengers in cars or chairs shall have proper representation; one member to represent the public at large; and one member to represent insurance companies which engage in insuring passenger tramway operations, and in appointing such member consideration shall be given to recommendations made by such insurance companies. The authority of such board shall not extend to any other matter relative to the operation of a ski area.

242 Reference Changed. Amend RSA 270:1-a, I to read as follows:

I. The operator of a vessel who knows or reasonably should have known that he or she has just been involved in any accident that involved death, personal injury, or damage to property, shall immediately stop said vessel at the scene of the accident, render any assistance that he or she is capable of giving to the occupants of any other vessel involved in the accident, and give the operator or owner of any other vessel involved in such accident, and to any person injured, and to the owner of any property damaged, the operator's name and the owner's name and address, the vessel registration number, and the name and address of each occupant. If by reason of injury or absence or removal from the place of the accident or other cause, such injured person, or operator of such other vessel, or owner of the property damaged, or any of them, is unable to understand or receive the information required in this section, such information shall be given to any marine patrol officer or other police officer with jurisdiction arriving at the scene of the accident or immediately to a marine patrol officer or other police officer at the nearest police station or at marine patrol headquarters. Any person operating a vessel that is in any manner involved in the accident shall, within 15 days after such accident, report in writing to the ~~[division]~~ **department** of safety ~~[services]~~ the facts required hereunder together with a statement of the circumstances if any person is injured or killed or if damage to property is in excess of \$2,000. If the operator is physically or mentally incapable of making such report, the owner of the vessel involved in the accident or the owner's representative shall, after learning of the accident, forthwith make such report. The operator or the owner shall furnish to the ~~[division]~~ **department** such relevant information as the ~~[division]~~ **department** shall require.

243 Reference Changed. Amend RSA 270:1-b to read as follows:

270:1-b Penalty. Whoever fails to file the reports required by RSA 270:1-a, I or otherwise fails to comply with the requirements relating to injury to property, or relating to the report to be made to the ~~[division]~~ **department**, shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if any other person. Whoever fails to comply with the requirements when death or personal injury resulted or whoever gives information required knowing or having reason to believe that such information is false, or fails to comply with any of the other requirements thereof shall be guilty of a class B felony.

244 Reference Changed. Amend the introductory paragraph of RSA 270:12-a, I to read as follows:

I. The director of ~~[the division of safety services]~~ **state police** and his or her duly authorized representatives shall have all the powers of a peace officer in all counties in the state in the enforcement of:

245 Reference Changed. Amend RSA 270:12-a, I-a to read as follows:

I-a. The director of ~~[safety services]~~ **state police** and his ~~or her~~ duly authorized representatives shall be authorized to call upon any peace officer to render assistance to them in the performance of their duties and shall render assistance to any peace officer having jurisdiction in the area when so requested.

246 Reference Changed. Amend RSA 270:12-a, III to read as follows:

III. The director of ~~[the division of safety services]~~ **state police** shall adopt rules pursuant to RSA 541-A prescribing the type and amount of training required for his ~~or her~~ duly authorized representatives to perform their duties under this section.

247 Reference Changed. Amend RSA 270:12-c, I to read as follows:

I. The commissioner of safety may establish a force of individuals to assist the director of ~~[safety services]~~ **state police** and the marine patrol

officers to patrol the various bodies of water in the state. Any person that patrols any water body on behalf of the department shall either be a certified marine patrol officer or an auxiliary officer appointed under the provisions of this section.

248 Reference Changed. Amend RSA 270:26, IV(a) to read as follows:

IV.(a) Any person who knowingly places a swim line in any public body of water without first obtaining a permit issued by the director of ~~[safety services]~~ **state police** shall be guilty of a violation.

249 Reference Changed. Amend RSA 270:27 to read as follows:

270:27 Boat Racing. No commercial boat, private boat, or sail boat shall race with another such boat over a predetermined course on any of the public waters of the state unless the course is laid out and marked in a manner satisfactory to the director of ~~[safety services]~~ **state police** and said race is held under a permit issued by said director to a recognized sponsoring organization stating the date and place of the race.

250 Reference Changed. Amend RSA 270:32, III to read as follows:

III. The director of ~~[safety services]~~ **state police** may prohibit further scuba activity, in addition to the penalties prescribed in either paragraph I or II, until the provisions of RSA 270:31 have been complied with.

251 Reference Changed. Amend RSA 270:36, I to read as follows:

I. "Director" means the director of the division of ~~[safety services]~~ **state police**.

252 References Changed. Amend RSA 270:45, II-III to read as follows:

II. Boats involved in or attending a fireworks display, a boat parade, a boat race, or any other such public events as the director of ~~[safety services]~~ **state police** may designate;

III. Boats which have converged at the direction of the director of ~~[safety services]~~ **state police** or the executive director of fish and game or the agents of either in order to protect members of any threatened or endangered species of wildlife which ~~[the director of safety services or]~~ the executive director of fish and game deems to be in immediate danger;

253 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, I to read as follows:

I. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of ~~[safety services]~~ **state police** shall be assessed an administrative penalty of \$200 to be paid to the director of ~~[safety services]~~ **state police** who shall forward such sum to the state treasurer for deposit in the navigation safety fund established under RSA 270-E:6-a:

254 Reference Changed. Amend RSA 270:46-a, II to read as follows:

II. Any person who pays such penalty and who, within 6 months of conviction, completes at such person's own expense a boat safety classroom course as specified in rules adopted, under RSA 541-A, by the director of ~~[safety services]~~ **state police** shall have his or her \$200 refunded to him or her from the navigation safety fund by the director.

255 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, III to read as follows:

III. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of ~~[safety services]~~ **state police**, and who has not already successfully completed an approved boating safety course shall complete a boat safety classroom course, at that person's own expense, within 6 months of conviction. Any person who fails to complete the boat safety classroom course within 6 months may be prevented from reregistering the boat:

256 References Changed. Amend RSA 270:59, I-II to read as follows:

I. "Director" means the director, division of ~~[safety services]~~ **state police**, department of safety.

II. "Division" means the division of ~~[safety services]~~ **state police**, department of safety.

257 Reference Changed. Amend RSA 270:65 to read as follows:

270:65 Special Exceptions. The division of ~~[safety services]~~ **state police** shall propose rules to develop standards for granting special exceptions for the placement of from 2 to 4 moorings adjacent to a shorefront property. The placement of 5 or more moorings adjacent to a shorefront property shall require approval pursuant to RSA 270:67, I and II.

258 References Changed. Amend RSA 270:67, I(a) to read as follows:

(a) The division of ~~[safety services]~~ **state police** shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the division of ~~[safety services]~~ **state police** shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of ~~[safety services]~~ **state police** that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal may be conducted by the division of ~~[safety services]~~ **state police**. The division of ~~[safety services]~~ **state police** shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

259 References Changed. Amend RSA 270:67, II(a) to read as follows:

(a) The division of ~~[safety services]~~ **state police** may identify suitable locations for congregate mooring fields. In determining said locations the division of ~~[safety services]~~ **state police** shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the division of ~~[safety services]~~ **state police** that adequate access exists to serve the needs of the users of the congregate mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said proposal may be conducted by the division of ~~[safety services]~~ **state police**. The division of ~~[safety services]~~ **state police** shall review all recommendations received and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

260 Reference Changed. Amend RSA 270:67, II(d) to read as follows:

(d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the division of ~~[safety services]~~ **state police** who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

261 Reference Changed. Amend RSA 270:115 to read as follows:

270:115 Connecticut River. The department of safety, division of ~~[safety services]~~ **state police**, shall post at all boat launching sites on the

Connecticut River, within the jurisdiction of the state, a speed limit of headway speed within 150 feet of the shoreline. Any person who violates the posted speed limits shall be guilty of a violation.

262 Reference Changed. Amend RSA 270:132 to read as follows:

270:132 Silver Lake. The division of [~~safety services~~] **state police** shall institute a no wake order encompassing all of Silver Lake whenever the department of environmental services gauging station on Silver Lake measures 467.0 feet or more above sea level. The order shall remain in effect until the measure falls below 467.0 feet.

263 Reference Changed. Amend RSA 270-B:3 to read as follows:

270-B:3 Jurisdiction. The director of [~~safety services~~] **state police** or his *or her* authorized representatives may impound any such abandoned boat or may order the removal and storage at a place of safe keeping of any such abandoned boat. All reasonable charges of such impoundment, removal, and storage shall be a lien against the boat.

264 Reference Changed. Amend RSA 270-B:3-a to read as follows:

270-B:3-a Improperly Registered or Equipped Boats. Nothing in RSA 270-B:3 shall be construed as limiting the power of the director of [~~safety services~~] **state police** or his *or her* authorized representatives to tow any boat which they find being operated without proper registration or equipment, but such boat shall not be considered to be abandoned and the provisions of this chapter relating to impoundment, removal, and storage shall not apply.

265 Reference Changed. Amend RSA 270-B:4 to read as follows:

270-B:4 Notification. The director of [~~safety services~~] **state police** shall notify the owner, if known, of the fact of such impoundment, removal, and storage. If the abandoned boat is registered in this state, such notification shall be mailed to the person identified as the owner on the registration at the address listed on said registration. If the boat is not so registered, notice shall be placed on file with the director of motor vehicles and published in a newspaper of general circulation.

266 Reference Changed. Amend RSA 270-B:7 to read as follows:

270-B:7 Disposal. Upon expiration of the 90-day period identified in RSA 270-B:5, the director of [~~safety services~~] **state police** may dispose of any unredeemed boat by destroying such boat or by offering such boat for sale at public auction or the director may retain such boat for use by the state; provided, however, that if the boat is sold or retained, the purchaser or the state, in the event of retention, shall pay the cost of impoundment, removal, and storage, and shall obtain release of the lien described in RSA 270-B:3. Any money received by reason of sale of such abandoned boat at public auction shall be deposited in the state general fund.

267 References Changed. Amend RSA 270-D:1, IV-V to read as follows:

IV. "Director" means the director of the division of [~~safety services~~] **state police**, department of safety.

V. "Division" means the division of [~~safety services~~] **state police**, department of safety.

268 Reference Changed. Amend RSA 270-D:2-a to read as follows:

270-D:2-a Boaters Guide. The department of safety, division of [~~safety services~~] **state police**, shall publish the New Hampshire Boaters guide.

269 Reference Changed. Amend RSA 270-D:3, V to read as follows:

V. No person shall be towed on water skis or other appurtenances unless the person is wearing a Coast Guard approved type 1, 2, or 3 PFD, except when directly participating or competing in an American Water Ski Association approved event or exhibition, authorized by a special permit issued by the director of [~~safety services~~] **state police**.

270 Reference Changed. Amend RSA 485-A:14, III to read as follows:

III. The lawful owner of a vehicle shall notify the department of safety, division of [~~safety services~~] **state police**, if any person is injured or killed in an incident involving a submerged vehicle.

271 Reference Changed. Amend RSA 485-A:14, V to read as follows:

V. Any person who fails to remove a submerged or partially submerged vehicle or container, as required by paragraph I, shall be guilty of a violation. Agents of the department of safety, division of [~~safety services~~] **state police**, or any police officer having jurisdiction over the water body, may issue citations for a violation of this section and issue fines of \$500 for each day the vehicle remains in the water.

272 Reference Changed. Amend RSA 487:17, II(d) to read as follows:

(d) Designate, in consultation with the department of fish and game and the division of [~~safety services~~] **state police**, department of safety, restricted use of exotic aquatic weed control areas.

273 Repeal. The following are repealed:

I. RSA 21-P:10, relative to division of safety services.

II. RSA 21-P:10-a, relative to director of safety services.

III. RSA 21-P:48, I(ii), relative to membership of advisory council on emergency preparedness and security.

274 Department of Safety; Special Assistant to the Commissioner. The commissioner of safety is authorized to retain a special assistant to the commissioner for the purpose of assisting the office of the commissioner with special projects determined by the commissioner. The special assistant shall be a temporary unclassified employee and shall be compensated at grade FF under RSA 94:1-a. The authority under this section shall expire on March 1, 2012.

275 Department of Transportation; Use of Contractors.

I. During the FY 2012 and FY 2013 biennium, the department of transportation shall study and make recommendations relative to increasing the use of contractors to perform certain duties of the department of transportation to achieve a savings of highway funds. The study topics shall include operational activities relative to summer and winter maintenance of state highways, bridge maintenance, pavement striping, signal service, bridge inspections, and fleet maintenance. The department of transportation shall present said recommendations, costs, and savings to the house public works and highways committee and the senate transportation committee on or before March 15, 2013.

II. The department of transportation shall manage the highway and bridge betterment program, as defined in RSA 235:23-a, with an emphasis on bidding out the work to contractors and suppliers. Individual projects approaching \$500,000 in value shall be carefully considered for alternate bid procedures for letting and processing the construction. A report detailing project costs, contracting method, and the private contractors, vendors, and suppliers directly involved in the overall construction shall be prepared by the department of transportation, if requested by the house public works and highways committee, and presented to the house public works and highways committee within 6 months of the request.

276 Foster Grandparent Program. The reimbursements to the foster grandparent program through the senior volunteer grant program established in RSA 161-F:40 are hereby suspended for the biennium ending June 30, 2013.

277 Department of Health and Human Services; Children in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as follows:

II. "Child in need of services" means a child under the age of 18 with a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C.

278 Department of Health and Human Services; Children in Need of Services. Amend RSA 169-D:5, I to read as follows:

I. A petition alleging a child is in need of services may, ***with the consent of the department***, be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

279 Reference To CHINS Definition. Amend RSA 189:36, II to read as follows:

II. A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, [H(a)] ***II*** until all steps in the school district's intervention process under RSA 189:34, II have been followed.

280 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, VI to read as follows:

VI. Nothing in this section shall be construed to affect any obligation to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, ***the state children's health insurance program authorized by 42 U.S.C. section 1397aa et seq.***, or the provision of services to an individual under any other federal or state law.

281 Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-E:2, IV to read as follows:

IV. Nothing in this section shall be construed to affect any obligation by a school district or the state of New Hampshire to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, ***the state children's health insurance program authorized by 42 U.S.C. section 1397aa et seq.***, or the provision of services to an individual under any other federal or state law.

282 Repeal. RSA 170-F, relative to discretionary adoption subsidies for hard to place children, and administrative rule He-C 6438, relative to adoption subsidies, are repealed.

283 Department of Health and Human Services; Adoption Assistance Program. The department of health and human services shall administer its adoption assistance program consistent with federal law and regulations and the state's Title IV-E plan for foster care and adoption assistance.

284 Assistance Program for 2-Parent Families with Dependent Children; Case-Load Management. Amend RSA 167:77-e to read as follows:

167:77-e Assistance Program for 2-Parent Families with Dependent Children. The department may establish a non-TANF, state-funded financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibil-

ity and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter. ~~[In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to this state-funded, financial assistance program as funding permits and also may transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.]~~

285 Employment Program Eligibility; Case-Load Management. Amend RSA 167:79, I(b) to read as follows:

(b) A needy child who is deprived of parental support or care by reason of unemployment or underemployment of a parent may receive assistance under TANF or under the state-funded assistance program in RSA 167:77-e. ~~[In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to the state-funded assistance program in RSA 167:77-e as funding permits and transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.]~~

286 Emergency Assistance Program for Aid to Families with Dependent Children. Amend RSA 167:7, V to read as follows:

V. Subject to applicable federal regulations, the commissioner may establish criteria to operate a special needs program, ~~[or to operate an emergency assistance program only for aid to families with dependent children,]~~ subject to the amount of available funds in the budget of the department of health and human services.

287 New Paragraph; Public Assistance Eligibility. Amend RSA 167:6 by inserting after paragraph IX the following new paragraph:

X.(a) For purposes hereof, an individual is ineligible for cash assistance benefits under the aid to the needy blind, aid to the permanently and totally disabled, and old age assistance programs for any month during which he or she is:

(1) Fleeing to avoid prosecution for a crime which is a felony under the laws of the place from which the individual flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that state; or

(2) Fleeing to avoid custody or confinement after conviction for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that state; or

(3) Violating any condition of probation or parole imposed under federal or state law.

(b) Suspension of benefit payments because an individual is a fugitive as described in subparagraph (a)(1) or (a)(2) or a probation or parole violator as described in subparagraph (a)(3) is effective on the first day of whichever of the following months is earlier:

(1) The month in which a warrant or order for the individual's arrest or apprehension, an order requiring the individual's appearance before a court or other appropriate tribunal, such as a parole board, or a similar order is issued by a court or other duly authorized tribunal on the basis of an appropriate finding that the individual:

(A) Is fleeing, or has fled, to avoid prosecution as described in subparagraph (a)(1);

(B) Is fleeing, or has fled, to avoid custody or confinement after conviction as described in subparagraph (a)(2);

(C) Is violating, or has violated, a condition of his or her probation or parole as described in subparagraph (a)(3); or

(D) The first month during which the individual fled to avoid such prosecution, fled to avoid such custody or confinement after conviction, or violated a condition of his or her probation or parole, if indicated in such warrant or order, or in a decision by a court or other appropriate tribunal.

(2) If benefits are otherwise payable, they shall be resumed effective on the first month throughout which the individual is determined to be no longer fleeing to avoid such prosecution, fleeing to avoid such custody or confinement after conviction, or violating a condition of his or her probation or parole.

288 Department of Health and Human Services; Public Assistance; Definitions. Amend RSA 167:6, VI to read as follows:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act, except that the minimum required duration of the impairment shall be 48 months, unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j. In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. ***Notwithstanding any provision of law to the contrary, eligibility for cash assistance and medical assistance shall be conditioned upon the recipient filing an application or applications for any federal cash assistance benefits for which the individual may be entitled and pursuing any appeals available for those federal benefits. Cash assistance shall terminate upon a finding of clinical ineligibility for such federal benefits, except that any individual receiving cash assistance on June 30, 2011 shall only be ineligible for cash assistance upon a second finding of clinical ineligibility. Notwithstanding any provision of the law to the contrary, an individual who appeals the closure of cash assistance, pursuant to RSA 161:4, IV, for the reasons set forth in this paragraph, shall not continue to receive such cash assistance benefits during the pendency of such appeal.*** No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

289 Health and Human Services; Drug Rebates, Regular Care. Notwithstanding any provision of law to the contrary, funds collected into revenue source code 407041 Drug Rebates – Regular Care shall be deposited into a restricted revenue account to be used by the department of health and human services for expenditures in accounting unit 05-95-95-956010-6143 Pharmacy Services in an amount not to exceed \$4,690,000 in FY 2012, and \$5,506,000 in FY 2013. Revenue in excess of said amounts shall continue to be deposited as unrestricted revenue into the state general fund.

290 Department of Health and Human Services, Outpatient Prospective Payment. The general court recognizes the need for increased transparency and uniformity in the Medicaid hospital outpatient reimbursement methodology. The commissioner of the department of health and human services shall implement a single fee schedule for procedures performed in hospital or non-hospital ambulatory surgical centers as an interim step while awaiting implementation of a hospital outpatient prospective payment methodology. The fee schedule shall reflect non-hospital ambu-

latory surgical center reimbursement rates in effect as of the effective date of this section. The commissioner shall set the outpatient prospective payment system conversion factor to maintain compliance with 42 U.S.C. section 1396a(a)(30)(A) and RSA 126-A:3, VII(a) and ensuring the Medicaid program pays only the most favorable and acceptable rate for outpatient services. The commissioner shall have authority, consistent with RSA 126-A:3, VII(a), to propose reductions to the conversion factor so as not to exceed the outpatient appropriation for the biennium. In determining the adequacy of the reimbursement rate, the commissioner shall rely upon the findings of the biennial benchmarking report mandated by RSA 126-A:18-b.

291 Department of Health and Human Services; Division of Community Based Care, Bureau of Behavioral Health. For the biennium ending June 30, 2013, no state appropriations shall be used by the department of health and human services for contracts with the Dartmouth Psychiatric Research Center or the Behavioral Health Policy Institute.

292 Department of Health and Human Services; Position of Medical Director Suspended. The position of medical director established by RSA 135-C:6, VI within the department of health and human services is suspended for the biennium ending June 30, 2013.

293 Family Support Services. RSA 126-G, relative to family support services, is hereby suspended for the biennium ending June 30, 2013.

294 Funding for Alzheimer's Disease. Suspension. Notwithstanding any provision of law to the contrary, the department of health and human services shall suspend funding for the Alzheimer's disease and related disorders (ADRD) program for the biennium ending June 30, 2013.

295 Congregate Housing and Congregate Services. Congregate services provided pursuant to RSA 161-F:37 and congregate housing provided under the Medicaid waiver pursuant to RSA 151-E are hereby suspended for the biennium ending June 30, 2013.

296 New Section; Health and Human Services; Sean William Corey Program; Home Health Aide Services for Children who are Medically Fragile or Children with Chronic Illness; Pilot Program. Amend RSA 126-A by inserting after section 4-g the following new section:

126-A:4-h Home Health Aide Services for Children who are Medically Fragile or Children with Chronic Illness; Pilot Program.

I. The parent of a child described in paragraph II may be authorized by the department to provide home health aide services to his or her child if the parent:

(a) Is employed by a licensed home health agency;

(b) Is reimbursed through the Medicaid program for the care of his or her child only; and

(c) Meets the undue hardship standard in paragraph III.

II. A child is eligible for home health aide services if the child is medically fragile or has a chronic illness and such child:

(a) Is aged birth to 19;

(b) Has a medical diagnosis of an acute onset medical condition or a chronic medical condition;

(c) Requires a nursing facility or hospital level of care, as defined in RSA 167:3-g;

(d) Resides at home; and

(e) Is determined eligible for the home health aide service through the use of a standardized rating tool developed by the department.

III. The department may authorize reimbursement to a parent providing home health aide services in the case of undue hardship. Subject

to approval from the Centers for Medicare and Medicaid Services, this section shall apply only to families whose income is no greater than 200 percent of the federal poverty limit. Such reimbursement shall occur only when the department determines that the needs of the child, the unavailability of appropriate providers or suitable alternative care services, and cost efficiencies make utilization of a parent for the provision of such services necessary and appropriate. Reimbursement shall be limited to care that is medically necessary due to specific health needs and shall not be made for care generally expected and provided by parents to a child of similar age and developmental stage. The department shall not authorize reimbursement to a parent until a plan and rules adopted pursuant to RSA 541-A, are reviewed and approved by the oversight committee on health and human services, established in RSA 126-A:13.

IV. The department shall establish a Medicaid reimbursement rate for home health aide services. Such reimbursement rate shall be based on the current average wage of personal care workers reimbursed through the Medicaid program and the cost of nursing supervision required by federal law for unskilled care. The annual expenditure for such service shall not exceed \$25,000 per child and the home health agency shall not retain more than 10 percent of the Medicaid reimbursement rate received for the home health aide service.

V. No more than 10 Medicaid-eligible children may receive home health aide services under the program at any given time.

VI. The department shall operate the program established in this section as a 3-year pilot program, beginning July 1, 2011, at the end of which time the department shall evaluate its success and recommend its continuation, expansion, or conclusion. The department of health and human services shall provide an annual report on the pilot program to the fiscal committee of the general court. The report shall be filed with the chairperson of the committee by July 1 of each year beginning July 1, 2012.

297 Repeal. RSA 126-A:4-h, as inserted by section 296 of this act, is repealed.

298 Family Planning Accounting Unit; Funding Abortions Prohibited. Notwithstanding any provision of law to the contrary, the appropriation in accounting unit 05-95-90-902010-5530, family planning program class, and any other funds shall not be used for evaluation, assessment, consultation about, preparation for, or provision of an abortion.

299 New Hampshire Healthy Kids Corporation. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality ~~[and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. The corporation shall be the program administrator for the state children's health insurance program under Title XXI of the Social Security Act].~~ The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing

of value, to be held, used, and applied for the purposes of this chapter. ~~[Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.]~~

300 Healthy Kids Board; Authority to Secure Staff. Amend RSA 126-H:5, I(g) to read as follows:

(g) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from ~~[state funds appropriated by the legislature and such other private or public funds as become]~~ available **private funds**. The board of directors shall determine the number of staff members necessary to administer the corporation.

301 Healthy Kids Board. Amend the introductory paragraph of RSA 126-H:3, I to read as follows:

I. The powers of the corporation shall be vested in ~~[13]~~ **12** members for 3-year terms of office as follows:

302 Healthy Kids Board; Membership Terms. Amend RSA 126-H:3, II to read as follows:

II. The ~~[initial]~~ terms of office shall be as follows: the members in subparagraphs I(a), (g), and (j) shall serve for 2 years; the members in subparagraphs I(b), (h), (k), and (m) shall serve for 3 years; and the members in subparagraphs I(c), (i), and (l) shall serve for 4 years. The ~~[other]~~ members in subparagraphs I(d)~~;~~ **and** (e) ~~[and (f)]~~ shall serve terms which are coterminous with their terms in office. Two of the 4 members in subparagraph I(n) shall serve for 3 years, one shall serve for 2 years, and one shall serve for 4 years.

303 Repeal. The following are repealed:

I. RSA 126-H:3, I(f), relative to the commissioner of the department of health and human services.

II. RSA 126-H:6-a, establishing the healthy kids subcommittee, is repealed.

304 Applicability. Sections 299 and 300 of this act shall take effect on the date the commissioner of the department of health and human services certifies to the director of the office of legislative services and the secretary of state that responsibility for the state children's health insurance program has been transferred from the New Hampshire healthy kids corporation to the department's Medicaid managed care program administrator.

305 Department of Health and Human Services; Medicaid Managed Care Reporting. The department of health and human services shall provide a detailed update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee of the general court until the contracts for Medicaid managed care are approved by the governor and council.

306 Medicaid Managed Care. Amend RSA 126-A:5, XIX(a) to read as follows:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations throughout New Hampshire consistent with the provisions of 42 U.S.C. 1396u-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary care case management model, or a combination thereof, offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other external-

ly administered models. The department shall present the opportunities of the various models or combination of models with a recommendation for the best managed care model for New Hampshire, no later than July 15, 2011, to the fiscal committee of the general court which shall consult with the oversight committee on health and human services. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality management, and customer services. The model shall not include mandatory dental services. The commissioner shall issue a 5-year request for proposals to enter into contracts with the vendors that demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request for proposals shall be released no later than October 15, 2011. The vendors of the managed care model or combination of models demonstrating the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings shall be selected ***by the commissioner and approved by the fiscal committee*** no later than January 15, 2012 with final contracts submitted to the governor and council no later than March 15, 2012 unless this date is extended by the fiscal committee. After the bidding process, the commissioner shall establish a capitated rate based on the bids by the appropriate model for the contract that is full risk to the vendors. The capitated rate shall be broken down into rate cells for each population including, but not limited to, the persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved by the fiscal committee of the general court. The managed care model or models' selected vendors providing the Medicaid services shall establish medical homes and all Medicaid recipients shall receive their care through a medical home. In contracting for a managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the current level of quality of care provided. The target date for implementation of the contract is July 1, 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek, with the approval of the fiscal committee, all necessary and appropriate waivers to implement the provisions of this paragraph.

307 Contingency. If SB 147-FN of the 2011 legislative session becomes law, section 306 of this act shall take effect at 12:01 am on the effective date of SB 147-FN.

308 Reclassification of Positions. For the biennium ending June 30, 2013, the director of the division of personnel shall not approve any reclassification of classified positions which will result in an increase in pay, unless the director obtains a waiver for the specific position from the governor and council.

309 Repeal; Meals and Rooms Tax Operator License Renewal Fee. RSA 78-A:4, II, relative to the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver provisions therefor, is repealed.

310 Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of ~~[\$350]~~ **\$200**. After January 1, the license fee shall be ~~[\$175]~~ **\$100**. If after inspection the department finds that the premises~~[-]~~ **and** cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of ~~[\$350]~~ **\$200**. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them, and **shall be** adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than ~~[every 6 months]~~ **once a year**. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.

311 Condominium Act; Application Fees. Amend RSA 356-B:51, VII to read as follows:

VII. Each application shall be accompanied by a fee in an amount equal to ~~[\$50]~~ **\$30** per unit, except that the initial application fee shall be not less than ~~[\$600]~~ **\$300** nor more than ~~[\$5,000]~~ **\$2,000**, and the fee for any application for registration of additional units shall be not less than ~~[\$400]~~ **\$200** nor more than ~~[\$5,000]~~ **\$2,000**.

312 Land Sales Full Disclosure Act; Application Fees. Amend RSA 356-A:5, VII to read as follows:

VII. Every application shall be accompanied by a fee in an amount equal to ~~[\$60]~~ **\$30** per lot, parcel, unit or interest, except that the initial application fee shall not be less than ~~[\$600]~~ **\$300** nor more than ~~[\$5,000]~~ **\$2,000**, and the fee for any application for registration of additional lots, parcels, units or interests shall not be less than ~~[\$400]~~ **\$200** nor more than ~~[\$5,000]~~ **\$2,000**.

313 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be ~~[\$50]~~ **\$45** to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15~~[-]~~ **and \$5 to the state treasurer for deposit in the general fund**. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the ~~[\$43]~~ **\$38** portion of the marriage license fee.

314 Repeal. The following are repealed:

I. RSA 167:3-h, I-III, relative to coverage of services and certain items under the medical assistance program.

II. RSA 167:3-c, XIV, relative to rulemaking for a review process for medically necessary services.

315 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

LL Department of information technology commissioner/CIO

316 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

GG Board of medicine executive director

317 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

EE Department of state, director and state registrar

318 State Veterinarian. Amend RSA 94:1-a, I(b) by:

I. Deleting:

FF Department of agriculture, markets, and food state veterinarian

II. Inserting:

II Department of agriculture, markets, and food state veterinarian

319 Pease Development Authority; Skyhaven. Amend RSA 12-G:14, VI to read as follows:

VI. Notwithstanding any other provision of law, all property formerly held by the department of transportation and transferred to the authority, or acquired by the authority pursuant to this chapter, ***including property that is leased to or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23*** is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof, ***including any property tax assessed by the municipality in which the property is located; provided such property is used for airport or aeronautical related purposes.***

320 Suspension. The following are suspended for each fiscal year of the biennium ending June 30, 2013:

I. RSA 167:3-c, III, relative to rulemaking for funeral expenses.

II. RSA 167:11, relative to funeral expenses to recipients of public assistance.

III. RSA 165:20, relative to reimbursement for aid to assisted persons.

321 Appropriation; Kindergarten Construction Program; Bonds Authorized.

I. The sum of \$3,700,000 for the biennium ending June 30, 2013 is hereby appropriated to the department of education to provide kindergarten construction funds to a school district which is eligible to receive such funds pursuant to RSA 198:15-r and RSA 198:15-s. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Notwithstanding RSA 198:15-r, I(a) and (b), and for the biennium ending June 30, 2013, the commissioner of the department of education shall disburse not more than \$1,000,000 of the kindergarten construction program funds appropriated in paragraph I of this section to a school district eligible to receive such funds.

III. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,700,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. The bonds shall be 20-year bonds.

322 New Section; Joint Board of Licensure and Certification; Administration. Amend RSA 310-A by inserting after section 1 the following new section:

310-A:1-a Administration of the Joint Board. The administrator of the joint board shall be responsible for:

I. The performance of the administrative, clerical, and business processing responsibilities of the boards.

II. Employment of personnel needed to carry out the functions of the boards.

III. Issuance of a license or certification to any applicant who has met the requirements for licensure and denying a license or certification to applicants who do not meet the minimum qualifications for licensure.

IV. Maintenance of the official record of all applicants and licensees.

323 Repeal. The following are repealed:

I. 2008, 3:2, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge.

II. 2008, 3:6, relative to dissolution of the Maine-New Hampshire Interstate Bridge Authority.

324 Kindergarten Construction Program; Eligibility. Amend RSA 198:15-s, III(b) to read as follows:

(b) Construction plans and cost estimates, prepared by a licensed architect. ***Construction plans and cost estimates shall comply with the following:***

(1) To be eligible for reimbursement pursuant to RSA 198:15-r, kindergarten construction shall be approved by the school district's legislative body on or before June 30, 2013.

(2) The number of classrooms shall be based upon the largest projected kindergarten enrollment in the first 5 years following construction, based on a minimum of 20 students per half-day kindergarten class.

(3) Classrooms shall be no larger than 1,000 square feet in size including restrooms and storage space.

(4) Costs shall be limited to the annual maximum eligible cost standards in accordance with RSA 198:15-b, VII, unless waived by the commissioner of the department of education for good cause.

(5) Classroom furniture and equipment purchased for temporary classrooms pursuant to RSA 198:15-r, IV shall be relocated to permanent classrooms or replaced at district expense.

325 State Government Telecommunication Services; Transfer to Department of Safety.

I. All of the functions, positions, powers, duties, responsibilities, and funding for the telecommunication services to state government, formerly authorized by RSA 21-I:12, III, shall be transferred to the division of emergency services and communications, department of safety, on July 1, 2011. The transfer provided in this section shall include all of the equipment, books, papers, and records of the bureau of general services, division of plant and property management, department of administrative services related to telecommunication services to state government.

II. All contracts, rules, statutory responsibilities, regulations, and procedures related to statewide telecommunication services to state government in effect, in operation, or adopted in or by the bureau of general services, division of plant and property management, department of administrative services are transferred to the division of emergency services and communications, department of safety.

326 Bureau of General Services. Amend RSA 21-I:12, III(a) to read as follows:

(a) Providing support services, including but not limited to, mailing[;] ***and messenger[; and telecommunications]*** services to state government.

327 Reference Deleted. Amend RSA 21-P:38 to read as follows:

21-P:38 Emergency Management Powers and Duties Regarding Communications Systems. The division of emergency services and communications

shall ascertain what means exist for rapid and efficient communications during natural and man-made disasters. The division shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system which may be established for purposes of emergency management. In studying the character and feasibility of any such system or its several parts, the division of emergency services and communications shall ~~[consult with the department of administrative services and]~~ evaluate the possibility of the multi-purpose use of such a system for general state and local government purposes. The division shall make recommendations regarding such communications systems to the assistant commissioner as appropriate.

328 Duty Added. Amend RSA 21-P:48-a, II to read as follows:

II. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of emergency services and communications. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With general oversight by the assistant commissioner, the director ***shall provide telecommunications services to state government***, shall coordinate the activities of all organizations for emergency 911 telecommunications within the state, state and local, county, and private, and shall maintain liaison with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency telecommunications organizations of other states and of the federal government. The director shall have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

329 Board of Tax and Land Appeals; Members. Amend RSA 71-B:1 to read as follows:

71-B:1 Board Established. There is hereby established a board of tax and land appeals, hereinafter referred to as the board, which shall be composed of ~~[4]~~ 3 members who shall be learned and experienced in questions of taxation or of real estate valuation and appraisal or of both. ~~[At least one member of the board shall be an attorney admitted to practice in New Hampshire.]~~ The members of the board shall be full-time employees and shall not engage in any other employment during their terms that is in conflict with their duties as members of the board.

330 Board of Tax and Land Appeals; Appointment and Terms. RSA 71-B:2 is repealed and reenacted to read as follows:

71-B:2 Appointment; Term; Chairman. The members of the board shall be appointed and commissioned by the governor and council for a term of 3 years and until their successors are appointed and qualified; provided, however, that any vacancy on the board shall be filled for the unexpired term. The governor and council shall designate one member as chairman to serve in that capacity for the duration of his or her term.

331 Applicability. The provisions of section 330 of this act shall apply to members of the board of tax and land appeals who are appointed after July 15, 2011.

332 Judicial Branch; General Fund Appropriation Reduction. Notwithstanding 2009, 143:1, the state general fund appropriation for the judicial branch shall be reduced by an additional \$300,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be

in addition to the reductions required of the judicial branch pursuant to SS 2010, 1:106 and pursuant to 2009, 143:18 and in addition to the reductions undertaken in order to attain the judicial branch's proportional reduction under 2009, 144:289, including, specifically, the reductions effected pursuant to Supreme Court Administrative Order 2010-01. The director of the administrative office of the courts shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before July 30, 2011.

333 Economic Stimulus; Transfer of Funds. Notwithstanding any provision of law to the contrary, the sum of \$900,000 in state fiscal stabilization funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA) and accepted by the fiscal committee of the general court on June 30, 2009 as item 09-240 and approved by the governor and council on June 30, 2009 as item 1, and as subsequently amended, for use by the office of economic stimulus shall be transferred from the office of economic stimulus to the department of corrections, account 02-46-46-463010-7120 on June 30, 2011, to supplant state general fund appropriations at the department of corrections. In addition, the sum of \$300,000 from such ARRA state fiscal stabilization funds is hereby transferred to the audit account established under RSA 6:12, I(b)(89) in order to defray the costs of scheduled ARRA audits. The director of the office of economic stimulus shall be authorized to transfer funds within its remaining appropriations in connection with the winding down and conclusion of its operations on September 30, 2011.

334 Retiree Medical Benefits; Beneficiary Contributions Increased. Amend RSA 100-A:54, III to read as follows:

III. The retirement system shall deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, the premium contribution amounts of [~~\$65~~] **\$115** per month for each such retiree and [~~\$65~~] **\$115** per month for each applicable spouse; provided that the charge to each household shall not exceed [~~\$130~~] **\$230** per month. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount.

335 Cost Containment Plan for Retiree Health Care Program. The commissioner of the department of administrative services shall develop a comprehensive and cohesive plan outlining cost containment options and managed care techniques available through the underlying insurer and other managed care vendors to generate additional savings for the state of New Hampshire retiree health care program. The cost containment plan shall be developed no later than July 15 and the commissioner of the department of administrative services shall make a report to the fiscal committee of the general court.

336 New Paragraph; Cost Containment Plan for Retiree Health Care Program. Amend RSA 21-I:30 by inserting after paragraph V the following new paragraph:

VI. As of January 2, 2012, the commissioner of administrative services is authorized to utilize managed care and/or cost containment

techniques for the state of New Hampshire retiree health care program through the underlying insurer and any additional specialized managed care or cost containment vendors as necessary. The commissioner may offer financial incentives to encourage the use of lower cost facilities, providers, and services, if the financial incentives are proportionately lower than the savings generated. In addition, the commissioner may offer financial incentives to encourage the use of alternative therapies, treatments, services, providers, and facilities that demonstrate better outcomes including, but not limited to lower complication rates, lower readmission rates, lower rejection rates, lower mortality and morbidity rates, or lower infection rates based on widely and generally accepted measures of such performance.

337 Committee Established; Privatizing Department of Corrections.

I. There is established a committee to develop a plan for privatizing the department of corrections.

II. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall develop a plan for privatizing the department of corrections and shall review the results of the request for proposals issued by the commissioner of administrative services under section 338 of this act.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2011.

338 Request for Proposals. On or before September 1, 2011, the commissioner of administrative services shall issue a request for proposals by vendors for provision of correctional services or any other services provided by the department of corrections.

339 Department of Corrections; Transfer of Inmates from the State Correctional Facility in Concord.

I. Pursuant to the authority granted in RSA 21-H:8, VI-VII, the commissioner of the department of corrections may enter into one or more contracts, as may be necessary, with appropriate private and/or public correctional agencies or facilities and shall make proper and necessary arrangements with such agencies or facilities for the transfer and reception of not more than 600 inmates currently incarcerated at the state correctional facility in Concord.

II. The commissioner of the department of corrections may enter into one or more contracts to carry out pharmaceutical and nursing functions.

III. The department shall not close the North Country facility located in Berlin as a result of meeting the requirements of this section.

IV. If as a result of the transfer of inmates, the commissioner is able to reduce the department's general fund appropriation, the commissioner shall expend any excess funds on the development and implementation

of programs and services for the probation, parole, and sentencing of certain offenders required under 2010, 247 (SB 500-FN of the 2010 legislative session), as it may be amended, with the approval of the fiscal committee of the general court.

340 Cannon Mountain; Request for Proposals.

I. Notwithstanding any other provision of law, the commissioner of the department of resources and economic development shall, in consultation with the committee established in section 341 of this act, develop and issue a request for proposals to include, but not be limited to, a lease, concession agreement, or management contract for the Cannon Mountain ski area operations.

II. The request for proposals shall include, but not be limited to, the following terms, conditions, and provisions:

- (a) Length of the agreement.
- (b) Assets to be included.
- (c) Outline of master plan.
- (d) Environmental regulation and controls, including:
 - (1) Soils.
 - (2) Water quality.
 - (3) Wetlands.
 - (4) Wildlife habitat.
 - (5) Scenic and aesthetic qualities.
 - (6) Multi-seasonal recreational opportunities.
 - (7) Forestry issues.
- (e) Expansion limitations.
- (f) State and local regulatory authority.
- (g) Operational responsibilities remaining with the state.
- (h) Requirement of performance bonds.
- (i) Past practices and agreements.
- (j) Repurchase.
- (k) Federal agency requirements, conditions, and regulations.
- (l) Consideration of state employees.

III. All responses to a request for proposals developed under this act shall be reviewed by the committee established in section 341 of this act in cooperation with the commissioner of resources and economic development.

IV. The request for proposals, and any lease entered into by the state shall require that the lessor permit public and private access to, and use of, the World War I Veterans Memorial located at Profile Lake, under the same terms and conditions as were permitted prior to the lease.

V. The lessor shall permit use of the Cannon Mountain facilities by the New England Ski Museum and the Franconia Ski Club under the same terms and conditions as were permitted prior to the lease. Nothing in this paragraph shall prohibit the lessor from making commercially reasonable adjustments in rent, ski lift ticket prices, admission, or other similar costs.

VI. The commissioner of the department of resources and economic development shall secure an agreement or contract for the lease of Cannon Mountain no later than July 1, 2012.

341 Committee Established; Cannon Mountain Ski Area.

I. There is established a committee for the purpose of advising the commissioner of resources and economic development, pursuant to section 340 of this act, on the creation of a request for proposals and the review of any responses to requests for proposals. The committee shall consist of the following members:

(a) Four members of the house of representatives appointed by the speaker of the house of representatives.

(b) Three members of the senate appointed by the president of the senate.

II. The members of the committee shall elect a chairperson from among its members. Members shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall submit a report no later than November 1, 2011 to the speaker of the house of representatives and the president of the senate detailing its findings relative to requests for proposals.

342 Review by Capital Budget Overview Committee; Public Comments. Any agreement or contract recommended pursuant to sections 340 and 341 of this act shall be submitted to the capital budget overview committee established in RSA 17-J for review and approval. No agreement or contract shall take effect until such approval is obtained. The capital budget overview committee shall receive written public comments submitted prior to the time the committee votes on a recommended agreement or contract.

343 New Section; State Park Capital Improvement Fund; Effective July 1, 2013. Amend RSA 216-A by inserting after section 3-m the following new section:

216-A:3-n State Park Capital Improvement Fund.

I. There is established a nonlapsing fund in the department of resources and economic development to be known as the state park capital improvement fund. This shall be a revolving fund and shall be continually appropriated to the department of resources and economic development for the purposes of capital improvements to state park facilities. The commissioner of the department of resources and economic development shall collect and deposit all income derived from the public-private partnership of the state ski area at Cannon Mountain into the fund. Such moneys shall be used as provided in this section, and shall not be diverted for any other purpose.

II. The commissioner of the department of resources and economic development shall annually submit a report detailing the activities of the fund to the governor and council and the fiscal committee of the general court within 60 days of the close of each fiscal year.

344 New Subparagraph; Application of Receipts; State Park Capital Improvement Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (304) the following new subparagraph:

(305) Moneys deposited in the state park capital improvement fund established in RSA 216-A:3-n.

345 Report on Future Status of Ski Area Employees. The commissioner of the department of resources and economic development shall provide along with any agreement or contract submitted under section 342 of this act, a report on the disposition of employees of the ski areas at Cannon Mountain and any appropriate statutory changes to RSA 216-A as a result of the lease agreement.

346 Cannon Mountain Advisory Committee; Version Effective July 1, 2013. Amend RSA 12-A:29-b, V to read as follows:

V. The commission shall make recommendations for capital improvements for the ski area and related state park facilities at Cannon Mountain to the commissioner of resources and economic development. The commission shall review the servicing of debt obligations relating to the Cannon Mountain capital improvement fund *established in RSA 12-A:29-c and the state park capital improvement fund established*

in RSA 216-A:3-n prior to making any such recommendations. Recommendations approved by the commissioner shall be submitted by the commissioner to the capital budget overview committee. Recommendations approved by the capital budget overview committee shall be submitted to the governor and council for final approval. Notwithstanding any other provision of law, recommendations may be implemented upon final approval, pursuant to solicited requests for proposals. Funding for capital improvements shall be from the Cannon Mountain capital improvement fund established [by] ***in RSA 12-A:29-c and the state park capital improvement fund established in RSA 216-A:3-n.***

347 Applicability; Cannon Mountain Revenues.

I. For the biennium ending June 30, 2013, all revenues in excess of budgeted expenses derived by the department of resources and economic development from fees, services, accommodations, rentals, revenue from lift and tramway operations, retail sales, and concession operations for Cannon Mountain shall be deposited into the general fund and shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i.

II. All proceeds from the Cannon Mountain lease agreement collected on or after July 1, 2012, less \$50,000 per fiscal year which shall be deposited into the fish and game search and rescue fund established in RSA 206:42, and less the amount necessary each fiscal year to pay the cost of debt service for upgrades to the Cannon Mountain aerial tram drive and control systems as authorized in 2001, 202:1, XI, D, shall be deposited in the general fund and shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i.

348 Department of Resources and Economic Development; Cannon Mountain. For the biennium ending June 30, 2011, \$800,000 in revenue derived by the department of resources and economic development from fees, services, accommodations, rentals, revenue from lift and tramway operations, retail sales, and concession operations for Cannon Mountain shall be deposited into the general fund and shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i.

349 Lease of Rental Space for Superior Court Center. In consultation with the bureau of court facilities of the department of administrative service, the administrative office of the courts shall identify and lease rental space in which to house the superior court center at a rate of no more than \$11 per square foot, and shall lease no more than 2500 square feet for this purpose.

350 Department of Resources and Economic Development; Transfer of Funds Authorized. The commissioner of the department of resources and economic development may transfer funds between and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-3520-5919) and may transfer funds between and among the class line appropriations in the turnpike welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2013. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this section.

351 Shoreland Water Quality Protection Act. Amend the chapter heading of RSA 483-B to read as follows:

CHAPTER 483-B

[COMPREHENSIVE] SHORELAND **WATER QUALITY** PROTECTION ACT

352 Shoreland Water Quality Protection; Minimum Standards Required. Amend RSA 483-B:2, IX to read as follows:

IX. Control building sites, placement of structures, and land uses ***that may potentially damage the public waters.***

353 Minimum Standards Required. Amend RSA 483-B:2, XV to read as follows:

XV. Anticipate and respond to the impacts of development in shoreland areas ***to the extent they may potentially damage the public waters.***

354 Definitions. Amend RSA 483-B:4, VII-b to read as follows:

VII-b. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, ***and unless designed to effectively absorb or infiltrate water,*** decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways [~~unless designed to effectively absorb or infiltrate water~~]

VII-c. "Horticultural professional" means any arborist, landscape architect, or gardening consultant whose function is that of providing services relative to horticulture.

355 Definitions. Amend RSA 483-B:4, X-b to read as follows:

X-b. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. [~~Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders.~~] Natural ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

356 Definitions. Amend RSA 483-B:4, XIII to read as follows:

XIII. "Primary building line" means a setback for primary structures of [~~at least~~] 50 feet from the reference line.

357 Definitions. Amend RSA 483-B:4, XV to read as follows:

XV. "Protected shoreland" means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, ***except private garden water features and ponds of less than 10 acres,*** and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.

358 Definitions. Amend RSA 483-B:4, XVIII to read as follows:

XVIII. "Removal or removed" means girdled, felled, [~~killed, or~~] cut, sawed, pruned, pushed over, buried, burned, or any other activity conducted to the extent that it otherwise [~~destructively alters or altered~~] ***kills*** the vegetation.

359 Definitions. Amend RSA 483-B:4, XVIII-c to read as follows:

XVIII-c. "Replace in kind" means the substitution of a new structure for an existing legal structure, whether in total or in part [~~with no change in size, dimensions, footprint, interior square footage, and location, with the exception of changes resulting in an increase in the setback to public waters~~].

360 Definitions. Amend RSA 483-B:4, XX-a to read as follows:

XX-a. "Shoreland frontage" means the [~~average of the distances of the actual natural shoreline footage and a straight line drawn between property lines~~] ***actual shoreland frontage along the water front measured at the reference line.***

361 Definitions. Amend RSA 483-B:4, XXII to read as follows:

XXII. "Structure" means anything constructed or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind, with a fixed ***permanent*** location on or in the ground, exclusive of fences.

362 Definitions. Amend RSA 483-B:4, XXIV-b to read as follows:

XXIV-b. "Unaltered state" means [native] vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed [~~to maintain the health of the plant being trimmed, as allowed by rules of the department~~] **for plant health, normal maintenance, and renewal.**

363 Enforcement by Commissioner; Duties; Woodland Buffer. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his *or her* designee may, for cause, enter upon any **subject** land or parcel at any reasonable time **after written notification** to perform oversight and enforcement duties provided for in this chapter.

364 Permit Required; Exemption. Amend RSA 483-B:5-b, I to read as follows:

I.(a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. ***Projects which have no impact on water quality and which follow department rules shall qualify for a permit by notification. The owner may proceed with the proposed project immediately upon receipt of written notice from the department that a complete and accepted notification has been received by the department. A notification shall be complete and accepted provided it meets or exceeds all of the minimum standards under RSA 483-B:9, includes a notification form signed by the owner of property, the name and address of the property owner, the address of the site on which the work will occur, the name of the jurisdictional waterbody, the tax map and lot number on which the proposed work will occur, plans clearly and accurately depicting the work to be completed relative to the reference line of the jurisdictional waterbody, photographs of the area to be impacted, and identification of those project criteria listed below that would qualify the project for a permit by notification. Such project criteria shall include:***

(1) Construction, excavation, and filling, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area.

(2) Construction, excavation, and filling, directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects.

(3) Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.

(4) Any similar activities defined as qualified for a permit by notification by rules of the department.

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

(1) For projects that qualify for permit by notification under ***this paragraph and*** RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

(2) For projects of 0-9,999 square feet, ***that do not qualify for a permit by notification***, \$750.

(3) For projects of 10,000-24,999 square feet, \$1,875.

(4) For projects of 25,000 square feet or more, \$3,750.

(c) If the application is denied after relying on the recommendations of the department, the application fee shall be refunded to the applicant within 30 days of such denial.

365 New Paragraph; Permit Required; Exemption. Amend RSA 483-B:5-b by inserting after paragraph IV-a the following new paragraph:

IV-b. No permits issued by the department pursuant to this chapter that involve private, non-federal undertakings shall require coordination with or clearance by the New Hampshire division of historical resources.

366 Permit Required; Exemption. Amend RSA 483-B:5-b, V to read as follows:

V.(a) Within 30 days of receipt of an application for a permit or [75] 30 days of receipt of an application for a permit that will require a [~~variance of the minimum standard of RSA 483-B:9, V or a~~] waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information ***reasonably*** required to complete its evaluation of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within [60] 120 days of the request, the department shall deny the application.

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within [30] 20 days of the department's receipt of the information:

(1) Approve the application[~~, in whole or in part,~~] and issue a permit; or

(2) Deny the application, and issue written findings in support of the denial; or

(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or [75] 30 days of receipt of an application for a permit that will require a [~~variance of the minimum standard of RSA 483-B:9, V or a~~] waiver of the minimum standards of RSA 483-B:9[;],

[~~(1) approve or deny the application[, in whole or in part, and issue a permit; or~~

~~(2) Deny the application, and issue~~ ***with*** written findings in support of the [denial; or

~~(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant] decision.~~

(d) Within 5 business days of receipt of a permit by notification filing, the department shall issue a written notice to the property owner or agent stating that the notification has either been accepted or rejected. If the department does not respond within the 5-day period, the property owner or agent may submit to the department a written request for a response. A request submitted electronically by the applicant shall constitute a written request provided that the applicant has previously agreed to accept electronic communication. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have a permit by notification and may proceed with the project as presented in the notification filing. The authorization provided by this subparagraph shall not relieve

the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

[(d)] (e)(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

(A) Approve the application, in whole or in part, and issue a permit; or

(B) Deny the application and issue written findings in support of the denial.

(3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph **[(d)] (e)(3)**, which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

[(e)] (f) All applications filed in accordance with the rules adopted by the department under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and a permit shall be issued.

[(f)] (g) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

[(g)] (h) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may

resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

367 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

(d) No fertilizer, except limestone, shall be applied to vegetation or soils located within 25 feet of the reference line of any public water. ***Beyond 25 feet, [low phosphate, slow release nitrogen fertilizer or limestone,] slow or controlled release fertilizer, as defined by rules adopted by department,*** may be used ~~[on areas beyond 25 feet from the reference line].~~

368 Minimum Shoreland Protection Standards. RSA 483-B:9, V(a) through V(b)(2)(A)(ii) is repealed and reenacted to read as follows:

(a) Maintenance of a Waterfront Buffer.

(1) The waterfront buffer shall be those protected shorelands within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design.

(2) Within the waterfront buffer all of the following prohibitions and limitations shall apply:

(A) No chemicals, including pesticides or herbicides of any kind shall be applied to ground, turf, or established vegetation except if applied by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).

(B) Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A or RSA 483-B:11, II or unless rocks are removed to improve runoff control or the planting in the waterfront buffer, and stumps that are removed are replaced with pervious surfaces, new trees, or other woody vegetation.

(C) No natural ground cover shall be removed except as necessary for a foot path to water and access ways as provided under RSA 483-B:9, V(a)(2)(D), ***(viii) and*** (ix), for normal maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in height for the purpose of providing a view, to provide access to natural areas or shoreline, or as specifically approved by the department, pursuant to RSA 482-A or RSA 483-B.

(D) Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 by 50 foot segments. Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs (i) through (ix).

(i) Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper Score

1 to 3 inches – 1

3 to 6 inches – 5

6 to 12 inches –10

12 to 24 inches –15

Greater than 24 inches- 25

(ii) Shrubs and groundcover plants shall be scored as follows:

Four square feet of shrub area – 1 point.

Ground cover planted in the form of sod or mat – one point for every 50 square feet.

Shrub and groundcover shall not count for more than 25 points in each full segment.

(iii) Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

(iv) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non-invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

(v) The department shall approve applications pursuant to RSA 482-A or RSA 483-B that include the planting of trees, saplings, shrubs, and groundcover as necessary to at least maintain either the existing point score or the minimum score required. The department shall not approve any application that would result in a combined vegetation score of less than the minimum score required where the segment initially meets the minimum score or would result in any reduction of the point score where the segment does not initially meet the minimum score.

(vi) Owners of lots and holders of easements on lots that were legally developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns, gardens, landscaped areas, beaches, and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures within the waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraph (g)(2) or (g)(3), or RSA 483-B:11, II.

(vii) Normal trimming, pruning, and thinning of branches to the extent necessary to maintain the health of the planted area as well to protect structures, maintain clearances, and provide views is permitted provided such activity does not endanger the health of the plant.

(viii) When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed. On those properties accessible only by water, this access path may be maintained provided it is stabilized with

a surface that will infiltrate stormwater. On other properties the access path shall be completely restored and replanted with vegetation upon completion of construction except as allowed under subparagraph (ix).

(ix) A permanent 6-foot wide foot path as well as access to any docks, beaches, structures, existing open areas, and the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, are allowed.

(b) Maintenance of a Natural Woodland Buffer.

(1) A natural woodland buffer shall be maintained within 150 feet of the reference line. The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a). The purpose of the natural woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer of a given lot the vegetation, except lawn, within at least 25 percent of the area outside the waterfront buffer shall be maintained unaltered or improved with additional vegetation. Owners of lots legally developed or landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area to be maintained in an unaltered state. The percentage of area maintained in an unaltered state on nonconforming lots shall not be decreased.

369 Impervious Surfaces. Amend RSA 483-B:9, V(g) to read as follows:

(g) Impervious surfaces.

(1) ~~[Subject to subparagraph (2),]~~ No more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, ***unless a stormwater management system designed and certified by a professional engineer that will not concentrate stormwater runoff or contribute to erosion is implemented.***

(2) If the impervious surface area will exceed 20 percent, ***but is less than 30 percent,*** a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17.

(3) If the impervious surface area will exceed ~~[20]~~ ***30*** percent and the ~~[natural]~~ tree, ~~[and]~~ sapling ~~[cover]~~, ***shrub, and groundcover*** in the waterfront buffer does not meet the ~~[50-point minimum]~~ ***point*** score ***requirement*** of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with ~~[native]~~ trees, saplings, ***shrubs***, or ~~[natural ground cover]~~ ***groundcover*** in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V(a).

370 Waivers. Amend RSA 483-B:9, V(i) to read as follows;

(i) The commissioner shall have the authority to grant ~~[variances]~~ ***waivers*** from the minimum standards of this section. Such authority shall be exercised ~~[subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)]~~ ***if the commissioner deems that strict compliance with the minimum standards***

of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state. Waivers shall also be granted to accommodate the reasonable needs of persons with disabilities.

371 Nonconforming Lots of Record. Amend RSA 483-B:10, I to read as follows:

I. Except when otherwise prohibited by law, present and successive owners of an individual undeveloped lot may construct a single family residential dwelling ***and appurtenant accessory structures*** on it, notwithstanding the provisions of this chapter. Conditions may be imposed which, in the opinion of the commissioner, more nearly meet the intent of this chapter, while still accommodating the applicant's rights.

372 New Paragraph; Nonconforming Lots of Record; Merger. Amend RSA 483-B:10 by inserting after paragraph II the following new paragraph:

III. Consistent with RSA 674:39-a, a municipality shall not merge adjacent nonconforming lots in common ownership without the consent of the owner.

373 Nonconforming Structures. RSA 483-B:11 is repealed and reenacted to read as follows:

483-B:11 Nonconforming Structures.

I. Except as otherwise prohibited by law or applicable municipal ordinance, nonconforming structures located within the protected shoreland may be repaired, replaced in kind, reconstructed in place, altered, or expanded. Repair, replacement-in kind, or reconstruction in place may alter or remodel the interior design or existing foundation of the nonconforming structure, but shall result in no expansion or relocation of the existing footprint within the waterfront buffer. However, alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer, provided the structure is not extended closer to the reference line and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property.

II. For the purposes of this section, a proposal that is "more nearly conforming" means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the design standards of this chapter. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of structural footprints, enhancing stormwater management, adding infiltration areas and landscaping, upgrading wastewater treatment, improving traffic management, or other enhancements that improve wildlife habitat or resource protection.

III. An expansion that increases the sewerage load to an onsite septic system, or changes or expands the use of a septic system, shall require a subsurface approval issued by the department.

IV. Under paragraph I, and except as otherwise prohibited by law or applicable municipal ordinance, primary nonconforming structures may be entirely demolished and reconstructed, with continued encroachment into the waterfront buffer, provided the replacement structure is located farther back from the reference line than the preexisting nonconforming structure.

374 Rulemaking. Amend RSA 483-B:17, IV to read as follows:

IV. Procedures and criteria for the size[~~]~~ ***and*** placement[~~, and construction~~] of small accessory structures such as storage sheds and gazebos, which are consistent with the intent of this chapter, between the reference line and the primary building line.

375 Penalties. RSA 483-B:18, III is repealed and reenacted to read as follows:

III. Persons violating the provisions of this chapter and damaging the public waterway who, after notification by the department, fail to make a good faith effort at remediation and restoration shall be subject to the following:

(a) Upon petition of the attorney general or of the municipality in which the violation occurred, the superior court may levy upon any person violating this chapter a civil penalty in an amount not to exceed \$5,000 for each continuing violation. The superior court shall have jurisdiction to restrain a continuing violation of this chapter, and to require remediation.

(b) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil penalties under this chapter.

(c) Notwithstanding the \$5,000 fine limit in subparagraph (b), the administrative fine for each repeat violation of this chapter may be multiplied by a factor of 2 for every previous violation committed by the person or entity.

376 New Paragraph; Shoreland Advisory Committee. Amend RSA 483-B:21 by inserting after paragraph VII the following new paragraph:

VIII. Any permit applications denied under any section of this chapter shall be reported to the shoreland advisory committee by the department.

377 Permit Application Fees; Effective Date. Amend 2008, 5:28, II to read as follows:

II. Section 27 of this act shall take effect July 1, ~~[2011]~~ **2016**.

378 Definitions. Amend RSA 483-B:4, XVII(a) to read as follows:

(a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies subject to the ~~[Comprehensive]~~ shoreland **water quality** protection act as maintained by the department.

379 Shoreland Advisory Committee. Amend the introductory paragraph of RSA 483-B:21 to read as follows:

There is established a shoreland advisory committee. All members shall be New Hampshire residents representing diverse geographic areas of the state. The primary focus of this committee is to address residential shorefront owner input and perspective relating to shoreland development regulated under the ~~[comprehensive]~~ shoreland **water quality** protection act under this chapter and the regulation of shoreline structures under RSA 482-A.

380 Approval to Increase a Load on a Sewage System. Amend RSA 485-A:38, II-a(c) to read as follows:

(c) When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the ~~[comprehensive]~~ shoreland **water quality** protection act, RSA 483-B.

381 Repeal. RSA 483-B:9, V(c)(1), relative to subdivision of land within the protected shoreland, is repealed.

382 Department of Health and Human Services; Children's Health Insurance Program Reporting. The department of health and human services shall provide a detailed update on the status of the transition of the healthy kids program from the New Hampshire healthy kids corporation to the department of health and human services Medicaid managed care

program for each meeting of the fiscal committee of the general court until the transition to the Medicaid managed care program is complete and any necessary contracts have been approved by the governor and council.

383 Department of Health and Human Services; Hospitals for High Intensive Neonatal and Pediatric Care; Contracts and Rate Setting. Beginning July 1, 2011, the department of health and human services shall only contract with New Hampshire hospitals which provide high intensive neonatal and high intensive pediatric care unless the commissioner of health and human services finds that the high intensive neonatal and high intensive pediatric care needed is not available in New Hampshire, in which case, the department of health and human services may contract with an out-of-state hospital to provide such care. On or before August 1, 2011, the commissioner of health and human services shall develop a new rate structure for high intensive neonatal and high intensive pediatric care for New Hampshire hospitals which provide such care.

384 Department of Health and Human Services; Estate Recovery; Priority of Claims. Amend RSA 554:19 to read as follows:

554:19 Priority of Charges.

I. The administrator of an estate shall make payment of the claims in the following order:

(a) Costs and expenses of administration of the estate.

(b) Reasonable and necessary funeral, burial, and cremation expenses.

(c) Debts and taxes with preference under federal law.

(d) ***Claims made for financial and/or medical assistance provided to the deceased by the department of health and human services, as well as under certain circumstances, changes pursuant to RSA 166:19.***

~~(e) Just debts of the deceased[, including claims for medical assistance made by the department of health and human services.~~

~~(e) Total amount paid for old age assistance or aid to the permanently and totally disabled and, under certain circumstances, charges pursuant to RSA 166:19].~~

(f) Legacies given by the will of the deceased or distribution to heirs according to law.

II. No preference shall be given in the payment of any claim over any other claim of the same class.

III. No creditor of a lower class shall receive any payment until all those of the preceding class shall have been fully paid.

385 Appropriations to New Hampshire Public Television. Notwithstanding any other provision of law, any appropriation made in the capital or operating budget for New Hampshire public television shall be made directly to New Hampshire public television, and shall not be appropriated through or expended by the university system of New Hampshire, the trustees of the university system of New Hampshire, or any other state agency.

386 Shelter Care Services. For the biennium ending June 30, 2013, the department of health and human services shall continue to fund the following shelter care services: 12 beds for boys at the Midway Shelter in Bradford, 13 beds for girls at the Antrim Girls Shelter in Antrim, and 12 beds at the co-educational North Country Shelter in Jefferson.

387 Department of Health and Human Services; Implementation and Reporting of Budget Reductions Relative to Developmental Services and Behavioral Health Services. The reduction in the appropriation to the division of developmental services and the bureau of behavioral health

services contained in the operating budget for fiscal years 2012 and 2013 attributable to "right sizing" shall be undertaken in a collaborative fashion with the 10 area agencies and the 10 community mental health centers. Such plans shall be focused on reducing the cost structure of the area agency and community mental health systems without reducing quality or quantity of mandated services; maintaining the delivery of care in a community setting; and taking into account the needs of the systems to prepare for any future enhanced increase in the Medicaid population. Savings to the state general fund in the amount of \$1,800,000 for the biennium shall be identified, measured, and reported to the commissioner of the department of health and human services before January 1, 2012. On or before February 15, 2013, the commissioner of the department of health and human services shall provide a report of savings to the legislative fiscal committee and the legislative health and human services oversight committee.

388 New Section; Community College System Debt Service Fund. Amend RSA 6 by inserting after section 12-g the following new section:

6:12-h Community College System Debt Service Fund. There is hereby established in the office of the treasurer a fund to be known as the community college system debt service fund, which shall be accounted for separately from other funds. All moneys credited to the fund from payments made to the treasurer by the community college system shall be used exclusively for repayment of principal and interest on bonds issued by the treasurer, the proceeds of which fund the construction or renovation of capital projects undertaken by the community college system of New Hampshire self-supporting campus facilities. The moneys in the fund shall be nonlapsing and continually appropriated to the treasurer.

389 Community College System; Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(d) to read as follows:

(d) The exemptions provided in subparagraph (a) shall apply to the lands and the buildings and structures thereon and therein and personal property owned by the university system of New Hampshire *or the community college system of New Hampshire*. The requirements of subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after April 1, 2006, the terms of which provide for the use or occupation by others of real or personal property owned by the university system of New Hampshire *or the community college system of New Hampshire*. The remedies set forth in subparagraph (c) shall be available to enforce the payment of real and personal property taxes assessed against the lessees of property owned by the university system of New Hampshire *or the community college system of New Hampshire* pursuant to this subparagraph.

390 New Section; Community College System of New Hampshire; Transfer. Amend RSA 188-F by inserting after section 1 the following new section:

188-F:1-a Transfer. All functions, powers, duties, books, papers, records, and property of every kind, tangible and intangible, real and personal, heretofore possessed, controlled, or used by the former department of regional community-technical colleges are hereby transferred to and vested in the board of trustees of the community college system of New Hampshire established in RSA 188-F:4. Nothing in this section shall transfer property of the McAuliffe-Shepard discovery center or the police standards and training council.

391 New Subparagraph; Business Profits Tax; Net Operating Loss Carryovers. Amend RSA 77-A:4, XIII by inserting after subparagraph (d) the following new subparagraph:

(e) On or after July 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000.

392 Use of Certain Unrestricted General Funds to Mitigate Department of Health and Human Services Spending Reductions; Uncompensated Care.

I. The department of health and human services shall present a plan for approval to the fiscal committee of the general court detailing a proposal for making uncompensated care payments to hospitals pursuant to RSA 167:64, as amended by this act, for the fiscal year ending June 30, 2013. Said plan shall be presented to the fiscal committee of the general court no later than September 12, 2012.

II. Notwithstanding any provision of law to the contrary, upon approval of the plan pursuant to paragraph I, with the approval of the joint legislative fiscal committee and the governor and council, the department of health and human services may expend funds in excess of budgeted amounts for the purpose of making uncompensated care payments to hospitals pursuant to RSA 167:64, as amended by this act, for the fiscal year ending June 30, 2013. Such payments may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

393 Medicaid Management Information System. The commissioner of the department of information technology shall, in consultation with the commissioner of the department of health and human services, engage the services of an information systems consultant experienced with implementation of large healthcare and or governmental information systems. The consultant shall review and evaluate the state's Medicaid management information system implementation project and provide a report on the progress of the implementation and the projected go live date to the fiscal committee of the general court no later than October 1, 2011. The cost of the evaluation and report shall be borne by ACS State Healthcare, LLC.

394 New Paragraph; Department of State. Amend RSA 5:1 by inserting after paragraph III the following new paragraph:

IV. Pursuant to RSA 9:1 the term "department" shall not apply to the department of state in the execution of the constitutional duties of the office of the secretary of state.

395 Effective Date.

I. Sections 8, 11, 12, 14, 15, 34, 50-51, 90-91, 120-125, 181-187, 190-195, 341, and 347 of this act shall take effect upon its passage.

II. Sections 340, 342, 345, 351-376, and 378-381 of this act shall take effect 60 days after its passage.

III. Sections 69, 75, 84, 209, paragraph I of section 220, 223, 332, 333, 348 and 377 of this act shall take effect June 30, 2011.

IV. Section 165 of this act shall take effect July 1, 2011 at 12:01 a.m.

V. Sections 29, 30, 33, 46, 170-171, 173-179, RSA 100-A:16, I(aa) as inserted by section 180, 188-189, and 287 of this act shall take effect January 1, 2012.

VI. Sections 21, 343-344, 346, and 391 of this act shall take effect July 1, 2013.

VII. Sections 277-279 of this act shall take effect September 30, 2011.

VIII. Section 297 of this act shall take effect July 1, 2014.

IX. Sections 299 and 300 of this act shall take effect as provided in section 304 of this act.

X. Section 221 of this act shall take effect as provided in section 222 of this act.

XI. Section 172 of this act shall take effect July 1, 2016.

XII. Sections 330-331 of this act shall take effect July 15, 2011.

XIII. Section 224 of this act shall take effect July 1, 2012.

XIV. The remainder of this act shall take effect July 1, 2011.

2011-2221s

AMENDED ANALYSIS

1. Funds meals and rooms distributions to cities and towns for the biennium ending June 30, 2013 at no more than the fiscal year 2011 level of distribution.

2. Suspends RSA 31-A, relating to revenue sharing with cities and towns for the biennium ending June 30, 2013.

3. Requires a portion of funds received for the recording surcharge collected by registers of deeds to be deposited each year of the biennium in the land and community heritage investment program administrative fund with the remainder being deposited in the general fund.

4. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2011 through June 30, 2013, and provides a waiver of the suspension of school building aid.

5. Limits the uses of funds held in the driver training fund, eliminates payment to secondary schools and districts, and removes responsibility of the department of education for driver education.

6. Requires the workers' compensation administration fund to fund all costs of the administration of workers' compensation under RSA 281-A.

7. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2013.

8. Authorizes the commissioner of the department of health and human services to fill unfunded positions during the biennium ending June 30, 2013 under certain circumstances.

9. Repeals the catastrophic illness program.

10. Suspends funding for catastrophic aid payments to hospitals for the biennium ending June 30, 2013.

11. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law and allows the department to transfer funds within and among accounting units.

12. Implements recommendations of the office of legislative budget assistant's 2010 performance audit report of the New Hampshire community health system.

13. Requires that for the biennium ending June 30, 2013, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.

14. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2014.

15. Requires the department of health and human services to apply for a waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan.

16. Provides that the rate for services, placements, and programs paid for by the department for delinquent children, child protection act, and children in need of services are to be maintained at the rates in effect on June 30, 2011.

17. Requires the commissioner of the department of health and human services to notify the commissioner of the department of administrative services regarding transfers or reassigned personnel.

18. Requires the commissioners of the departments of safety and health and human services to negotiate a reduced fee for performing certain state criminal records checks.

19. Repeals the prevention programs for juveniles and incentive grants for such programs.

20. Allows the department of health and human services to use a new assessment tool to determine eligibility for nursing facility care even if such tool is not reviewed by the county-state finance committee or the oversight committee on health and human services.

21. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the Social Services Block Grant program every January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

22. Establishes 2 temporary special funds in the state treasurer's office to receive and temporarily hold funds for certain New Hampshire hospital programs.

23. Suspends the funding for the developmental services waitlist for the biennium ending June 30, 2013.

24. Transfers the Medicaid enhancement tax accounting unit and the Medicaid enhancement tax receipt account from the department of health and human services to the department of revenue administration. Establishes priorities for the allocation and use of moneys in the uncompensated care fund for the biennium ending June 30, 2013.

25. Directs the commissioner of the department of health and human services to pursue certain consolidation initiatives to achieve general fund appropriations reductions in fiscal years 2012 and 2013 and to report the progress of such efforts to the committees of the house and senate with jurisdiction over health and human services and finance issues.

26. Requires the commissioner of the department of health and human services to submit a state plan amendment to administer the children's health insurance program.

27. Allows the commissioner of the department of health and human services to recover for medical assistance for a spouse of an individual or a parent if an individual is under the age of 21.

28. Clarifies the liability of expenses payable by the department of health and human services under the child protection act.

29. Establishes that for the biennium ending June 30, 2013, a portion of the nursing facility assessment and intermediate care facility assessment shall be used for purposes of long-term care services provided by the state.

30. Authorizes the commissioner of the department of transportation to enter into agreements to lease-purchase vehicles and equipment.

31. Appropriates federal emergency assistance grants to the department of transportation.

32. Establishes the department of labor restricted fund to fund operations of the department of labor from fees, licenses, certificates, and civil penalties.

33.(a) Eliminates the special fund for payment of mediators and guardians ad litem in cases where parents are indigent.

(b) Makes supplemental appropriations to the judicial council for payment of council for indigent parents in child protection cases and in divorce cases.

(c) Limits the circumstances in which the court may appoint an attorney to represent the parent in cases of abuse or neglect.

(d) Requires the supreme court to adopt practice standards for non-certified guardians ad litem appointed in parental rights and responsibilities cases.

34. Requires that proceeds from the sale of the lakes region facility property be deposited into the general fund.

35. Suspends bumping rights.

36. Requires the department of administrative services to consolidate certain business processing functions.

37. Makes an appropriation to the McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery center to a fiscally self-sufficient entity.

38. Authorizes the lottery commission to use monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance.

39. Modifies lottery sales commission rates.

40. Authorizes monetary incentives to liquor commission employees and temporary state liquor stores.

41. Suspends the deposit of liquor revenues in the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2013.

42. Transfers the water quality laboratory services from the department of environmental services to the department of health and human services.

43. Adds the board of accountancy, the real estate appraiser board, and the board of manufactured housing to the joint board of licensure and certification.

44. Suspends the statutory limitation on highway funds allocated to the department of safety for the biennium ending June 30, 2013.

45. Revises the duties of the office of energy and planning by removing certain program responsibilities, including the coordination of federal funds, economic development reporting requirements, the water protection assistance program, housing and conservation planning, the high-level radioactive waste act, and land use board member training.

46. Requires municipal zoning and ordinance documents, including amendments, to be filed with the office of energy and planning and authorizes the office to gather such information from municipalities in order to generate publicly available lists and surveys.

47. Excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so, and provides the parole board with greater discretion to recommit a person who reoffends while on mandatory early supervised release.

48. Requires that an offender placed on probation or parole for conviction of a felony offense that would require registration as a sexual offender or an offender against children shall not be placed on administrative supervision.

49. For the biennium ending June 30, 2013, transfers the balance of the New Hampshire excellence in higher education endowment trust fund in part to the university system of New Hampshire and in part to the community college system of New Hampshire.

50. Repeals the postsecondary education commission and transfers all powers, duties, and programs to the newly established division of higher education and higher education commission within the department of education.

51. Transfers authority over regulation of private postsecondary career schools from the postsecondary education commission to the higher education commission.

52. Authorizes the department of education to expend funds in excess of budgeted amounts to fund chartered public school tuition payments, with the approval of the fiscal committee and governor and council.

53.(a) Sets the amount of differentiated aid at \$1,725 for each pupil eligible for the free or reduced-price meal program.

(b) Repeals the calculation and distribution of fiscal capacity disparity aid.

(c) Provides a grant in the amount of \$2,000 for chartered public school pupils.

(d) Provides \$675 for each third grade pupil who has not tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds.

(e) Beginning July 1, 2013, provides that a municipality's total education grant shall not exceed 105.5 percent of the total education grant received in the previous fiscal year.

(f) Provides a stabilization grant to certain municipalities in fiscal year 2012 equal to the decrease from the municipality's fiscal year 2011 total education grant, and provides that a municipality shall continue to receive this stabilization grant in fiscal year 2013 and each fiscal year thereafter.

(g) Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

54. Authorizes that any funds from the federal Education Jobs program not expended by a school district during the 2011 fiscal year shall be carried over for use in the school district's 2012 fiscal year.

55. Changes the renewal of licenses of veterinarians by the board of veterinary medicine to be biennial rather than annual.

56. This bill makes various changes to the state retirement system if SB 3-FN-A-LOCAL of the 2011 legislative session does not become law, including:

(a) Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

(b) Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

(c) Changing the composition of the board of trustees.

(d) Eliminating the special account.

(e) Eliminating the retirement system funding of medical benefits premium payments.

(f) Increasing member contribution rates beginning July 1, 2011.

(g) Establishing a committee to study the establishment of a federal tax qualified voluntary defined contribution plan administered by the board of trustees.

(h) Limiting when a member in service may concurrently receive benefits.

(i) Eliminates the state share of employer contributions for non-state employees.

57. Provides statutory construction for certain terms relating to publication for statewide circulation.

58. Requires the department of resources and economic development to staff rest areas and welcome centers along Interstate Route 93.

59. Repeals the bureau of visitor services.

60. Modifies the amount of reimbursement paid to towns and cities for land acquired by the United States for flood control.

61. Makes changes to the document processing division of the department of revenue administration.

62. Adds certain functions of the equalization standards board to the functions of the assessing standards board.

63. Transfers an appropriation received by the governor's commission on disability.

64. Modifies the percentage of the penalty assessment designated to the police standards and training council training fund.

65. Requires the governor to reduce total appropriations for classified employee compensation and benefits.

66. Allows for transfers of federal grant funds between class codes and to newly created class codes and permits certain budgeted federal grant appropriation balances from one state fiscal year to be carried over to the following fiscal years subject to the approval of the commissioner of administrative services.

67. Establishes hiring priority for laid off classified state employees.

68. Freezes executive branch hiring, purchases, and out-of-state travel.

69. Requires any budget surplus remaining at the end of fiscal year 2011 to remain in the general fund.

70. Prohibits the department of information technology from discontinuing technical support services to any executive branch agency.

71. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

72. Authorizes the department of information technology to transfer funds within and among its accounting units, subject to the approval of the fiscal committee of the general court.

73. Allows the annual contribution for unfunded accrued liability of the judicial retirement plan to be calculated over a 30-year period or the maximum period allowed, whichever is less and requires recalculation of the employer contribution rate for the biennium ending June 30, 2013.

74. Requires transfers from the special fund for the improvement and automation of vital records at the state and local levels, also known as the vital records improvement fund, to the general fund.

75. Suspends distribution of a portion of the rooms and meals tax to the division of travel and tourism development for the biennium ending June 30, 2013.

76. Establishes a special legislative account.

77. Sets the annual salary of the registers of probate at \$100 per year, contingent upon the passage of HB 609-FN of the 2011 legislative session.

78. Requires that any balance remaining in the navigation safety fund at the close of each fiscal year lapse to the general fund.

79. Credits fines paid by mail to the division of motor vehicles to the general fund.

80. Provides that all penalty assessments imposed under the drug-free school zone statute shall be deposited in the general fund. The bill also repeals the drug-free school zone sign fund.

81. Modifies appropriation language for statewide special education programs.

82. Transfers the marine patrol bureau from the division of safety services, department of safety, to the division of state police.

83. Establishes certain divisions within the fish and game department for the biennium ending June 30, 2013.

84. Eliminates the division of safety services in the department of safety.

85. Requires the department of transportation to study the use of contractors to perform certain duties performed by the department of transportation in order to save highway funds.

86. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.

87. Redefines a "child in need of services" for purposes of RSA 169-D.

88. Directs the department of health and human services to administer its adoption assistance program consistent with federal law and the state's Title IV-E plan, and repeals state law and regulations relative to discretionary adoption subsidies for hard to place children.

89. Removes the discretion of the commissioner of the department of health and human services to transfer cases between the employment program and assistance program for 2-parent families in order to meet federal work participation funding requirements.

90. Removes the commissioner's authority to operate an emergency assistance program to aid families with dependent children.

91. Prohibits persons fleeing to avoid criminal prosecution from receiving public assistance benefits.

92. Modifies eligibility for cash assistance for purposes of aid to the permanently and totally disabled.

93. Requires certain funds from drug rebates to be deposited in a separate account for the department of health and human services to expend for pharmacy services.

94. Clarifies the duty and authority of the commissioner of health and human services for the Medicaid hospital outpatient reimbursement methodology.

95. Prohibits use of state appropriations for contracts with the Dartmouth Psychiatric Research Center or the Behavioral Health Policy Institute.

96. Suspends the position of medical director within the department of health and human services for the biennium ending June 30, 2013.

97. Suspends RSA 126-G, relative to family support services.

98. Suspends funding for the Alzheimer's disease and related disorders (ADRD) program through June 30, 2013.

99. Suspends congregate housing and congregate services.

100. Authorizes the department of health and human services to reimburse the parent of a child who is medically fragile or has a chronic illness for home health aide services provided by the parent. The program is a 3-year pilot program.

101. Prohibits appropriations in the family planning accounting unit to be used to fund abortions.

102.(a) Removes the commissioner of the department of health and human services from the healthy kids board.

(b) Removes responsibility for administration of the state children's health insurance program from the statutory duties of the New Hampshire healthy kids corporation, contingent on implementation of a Medicaid managed care model by the department of health and human services.

103. Requires the commissioner of the department of health and human services to issue a 5-year request for proposal to enter into a contract with a vendor or vendors of a managed care model after consultation with and approval by the fiscal committee of the general court to provide for

managed care services to the Medicaid population. The commissioner, in consultation with the fiscal committee of the general court, is granted rulemaking authority.

104. Requires the department of health and human services to provide an update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee until the contracts for Medicaid managed care are approved by the governor and council.

105. Requires a waiver from the governor and council for reclassification of a classified position.

106. Repeals the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver provisions therefor.

107. Reduces fees for licenses to sell animals or birds customarily used as household pets.

108. Reduces the filing fees under the condominium act and the land sales full disclosure act.

109. Deletes the general fund designation for a portion of the marriage license fee.

110. Repeals the law regarding coverage for services and certain items covered under the medical assistance program.

111. At the request of the joint committee on employee classification established under RSA 14:14-c, establishes the salary for the positions of:

(a) Commissioner/CIO of the department of information technology.

(b) Executive director of the board of medicine.

(c) Director and state registrar of the division of vital records administration.

(d) State veterinarian of the department of agriculture, markets, and food.

112. Clarifies that property at Skyhaven leased by the authority for airport or aeronautical related purposes is not subject to taxation.

113. Suspends for the biennium laws relative to the funeral expenses to certain recipients of public assistance and certain other reimbursement for care of an assisted person.

114. Authorizes the issuance of bonds in the amount of \$3,700,000 for the biennium ending June 30, 2013 to provide kindergarten construction funds to eligible school districts.

115. Clarifies the responsibilities of the administrator of the joint board of licensure and certification.

116. Repeals the 2008 repeal of the of the Maine-New Hampshire Interstate Bridge Authority, for which required Congressional approval for the dissolution of the Authority was not requested or obtained.

117. This bill adds additional construction and cost estimate factors for determining eligibility for the kindergarten construction program.

118. Transfers the responsibility for telecommunications services to state government from the bureau of general services, division of plant and property management, department of administrative services to the division of emergency services and communications, department of safety.

119. Changes the membership, appointment authority, and terms of the board of tax and land appeals.

120. Requires the department of health and human services to provide an update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee until the contracts for Medicaid managed care are approved by the governor and council.

121. Increases the monthly contribution for medical benefits paid by retired state employees under age 65.

122. Requires the general fund appropriation for the judicial branch to be reduced by a certain amount in addition to other reductions.

123. Requires certain state fiscal stabilization funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA) to be transferred from the office of economic stimulus to the department of corrections.

124. Requires the commissioner of the department of administrative services to develop a plan for cost containment options and managed care options to generate savings for the state of New Hampshire retiree health care program. Allows the commissioner of the department of administrative services to utilize managed care and/or cost containment techniques for the New Hampshire retiree health care program and allows the commissioner to offer financial incentives under certain circumstances.

125. Establishes a committee to develop a plan for privatizing the department of corrections.

126. Requires the commissioner of the department of corrections to transfer not more than 600 inmates currently incarcerated at the state correctional facility in Concord to private and/or public correctional agencies or facilities.

127.(a) Requires the commissioner of the department of resources and economic development to solicit lease proposals for the Cannon Mountain ski area and requires that a lease be secured no later than July 1, 2012.

(b) Establishes a legislative committee to develop the proposal and review responses and requires the capital budget overview committee to approve any lease agreement.

(c) Creates the state park capital improvement fund.

(d) For the biennium ending June 30, 2013, requires revenues in excess of budgeted amounts derived from the operations of Cannon Mountain, less the amount deposited into the fish and game search and rescue fund and the annual amount for debt service for upgrades to the Cannon Mountain aerial tram, to be deposited into the general fund and applied to the negative balance in the state park fund.

128. Requires \$800,000 in revenue derived from Cannon Mountain to be deposited in the general fund and applied to the negative balance contained in the state park fund.

129. Establishes the community college system debt service fund.

130. Authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

131. Requires the lease of rental space in which to house the superior court center.

132 Authorizes transfers between and among class line appropriations in the highway welcome centers and the class line appropriations in the turnpike welcome centers for the biennium ending June 30, 2013.

133. Makes extensive changes to the comprehensive shoreland protection act.

134. Requires the department of health and human services to provide an update on the status of transition of the healthy kids program from the New Hampshire healthy kids corporation to the department's Medicaid managed care program for each meeting of the fiscal committee until the transition is complete.

135. Requires the department of health and human services to contract with in-state hospitals for high intensive neonatal and pediatric care unless such services are not available in New Hampshire, and directs the department to revise the rate structure for such services.

136. Authorizes the department of health and human services to make claims against an estate for financial and medical assistance provided to the deceased by the department.

137. Requires that any appropriation made in the capital or operating budget for New Hampshire public television shall be made directly to New Hampshire public television.

138. Funds certain shelter care services in Bradford, Antrim, and Jefferson.

139. Requires the department of health and human services to collaborate with the 10 area agencies and 10 community mental health centers to minimize the impact of the reduced appropriation to the division of developmental services and the bureau of behavioral health services and to submit a legislative report of the savings generated.

140. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

141. Transfers all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

142. Requires the commissioner of the department of health and human services, with the cooperation of ACS State Healthcare, LLC, to engage the services of an information systems consultant to review the state's Medicaid management information system implementation project and make a report to the fiscal committee of the general court.

143. Limits the amount of net operating loss generated in a tax year that may be carried forward under the business profits tax to \$10,000,000.

144. Requires the department of health and human services to present to the fiscal committee a proposal for making uncompensated care payments to hospitals and allows funds in excess of budgeted amounts to be expended for such payments.

145. Requires the retirement system to recalculate employer contribution rates for fiscal years 2012 and 2013.

146. Requires the department of information technology, in consultation with the commissioner of the department of health and human services, to engage the services of an information systems consultant to review the state's Medicaid management information system implementation project and make a report to the fiscal committee of the general court.

147. States that the department of state is not a department of the state in the execution of the constitutional duties of the office of the secretary of state.

SENATOR MORSE: Thank you, Mister President. I move House Bill 2 Ought to Pass with Amendment. I'm very proud of the work we accomplished in crafting the trailer bill. As you know, HB 2 contains the legislative changes necessary to make the budget work. We have built HB 2 with discipline. As this was presented to us from the House, it was the largest HB 2 that anyone can remember. We worked hard to include only the sections necessary to making the budget function and worked with policy committees to address any issues that were best addressed in the committee, not in the budget. That being said, I will spare you from reading everything in HB 2.

You will notice several programs or laws that have been suspended for the biennium. We have done so with purpose. These programs reflect the priority that we are currently unable to fund but hope to do so in the future. With hope that the economy grows in strength, specifically the use of UNIQUE funds, which returns it to its current operation in the next biennium. Additionally, we're restoring funds to UNIQUE for scholarships for low-income students.

HB 2 reflects many of the reforms that are being implemented in this budget, including Medicaid managed care reform, and holding the Com-

missioner accountable for progress of this program that ensures the care is better coordinated and more efficient. We similarly require accountability on the transition of HealthyKids program. The Commissioner of Corrections is given the authority to begin privatizing the Department such as nursing or pharmaceutical operations in addition to relocating prisoners in Concord. These are tools available to the Commissioner to achieve savings that this budget demands.

This implements the long-discussed lease of Cannon Mountain. Out of respect and sensitivity to the World War I Veterans Memorial located near Profile Lake, we ensure continued and uninterrupted access. Through this lease, we have set aside funds for search and rescue operations within Fish and Game that have been underfunded. While the management has done a tremendous job, the State and its taxpayers cannot afford to keep up with the capital demands of a ski area and should not be in the business of operating Cannon Mountain. This lean budget requires that government do only what is necessary, and this decision reflects that.

Appropriations made to New Hampshire Public Television should be made directly to them and not from general funds.

To address the increasing cost of healthcare, the Commissioner of Administrative Services will continue to work closely with the Legislature to develop incentives for retirees to use lower cost services with the current programs already in place today. Additionally, we institute an increase in co-pays and changes to the design plan without making drastic cuts to benefit levels of our retirees.

In hopes of stimulating job growth, HB 2 increases the amount of net operating loss generated in a tax year to \$10 million starting in July of 2013. To prevent the continued expenses of property that the State has no plans to keep long term, we put teeth into the provision requiring the sale of the Lakes Region facility by giving the City of Laconia the first right of refusal and Belknap County the second.

We have included the Senate's position on retirement reforms that are critical to the state budget. The House and Senate share the goal of comprehensive retirement reform in Senate Bill 3. In the first year, overall rates paid by the cities and towns will be roughly the same after reforms, and zero state subsidy as they would have been without the reform, and with a 25 percent state subsidy. With reforms in Senate Bill 3, in the future years, local taxpayers will avoid massive tax increases caused by the current broken retirement system.

While there are always a limited amount of resources available, we have intentionally set aside funds with the hopes of appropriating additional funds for the purposes of uncompensated care. That being said, the future remains uncertain. We have approximately \$35 million in surplus, but we don't know how revenues will continue to perform. We also don't know what will happen with the pending \$35 million fine from DHS payments.

Lastly, we can't be certain that FY '11 will be balanced. House Bill 2 contains the authority for the Governor to take steps towards balancing '11, but we aren't there yet. A \$35 million surplus is conservative and the right thing to do in this time of uncertainty. And, again, I'd like to thank my colleagues and their staff for their hard work. I hope that you too will be proud of the reforms contained in this difficult and conservative budget, and I ask for your support of House Bill 2.

The question is on the adoption of the Committee Amendment. Adopted.

PRESIDENT BRAGDON: I believe that there are some guests in our gallery. Senator Boutin, can you tell us who they are?

SENATOR BOUTIN: Thank you, Mister President. I'd be honored to do that. I had the pleasure of joining the students from Dunbarton Friday morning. And, they did a fabulous Memorial Day celebration. And, I want to welcome the fourth grade elementary school students from Dunbarton. Thank you for coming today.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15.

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2242s

03/05

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 277-279, 282, 283, and 294 and renumbering the original sections accordingly.

Amend the bill by inserting after section 388 the following and renumbering the original section 389 to read as 396:

389 Department of Safety; Motor Vehicle Registration Fees Decreased.
Amend RSA 261:141, III(g)-(o) to read as follows:

(g)(1) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	\$31.20	(\$2.60 per month)	(plus a [\$30] \$20 surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a [\$30] \$20 surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a [\$45] \$30 surcharge)
8001-10,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [\$45] \$30 surcharge)
10,001-26,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [\$55] \$35 surcharge)
26,001-73,280 lbs.	\$.96 per hundred lbs. gross weight		(plus a [\$75] \$50 surcharge).

(2) Any surcharge under subparagraph (1) shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds gross weight plus a [~~\$75~~] **\$50** surcharge, over 73,280 pounds—\$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds. Any surcharge shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(i) Each additional semi-trailer used in conjunction with such truck-tractor—\$24.00.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

0-1000 lbs.	\$ [8.00] 5.50
1001-1500 lbs.	[11.00] 8.50

1501-3000 lbs.	[17.00] 14.50
3001-5000 lbs.	[34.00] 29.00
5001-8000 lbs.	[46.00] 41.00
8001-up	[-90] .75 per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be ~~[-90]~~ **\$.75** per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds—\$24, for any additional weight above 16,000 pounds—\$.74 per hundred weight.

(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes—\$24. (In the event that a farm truck registered under the \$24 fee as provided in this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle — ~~[\$25]~~ **\$20**.

390 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, VII(b) to read as follows:

(b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter — ~~[\$25]~~ **\$17.50**.

391 Department of Safety; Motor Vehicle Registration Fees Decreased. Amend RSA 261:141, III(g)-(o) to read as follows:

(g)(1) For all motor vehicles other than those in RSA 261:141, I:			
0-3000 lbs.	\$31.20	(\$2.60 per month)	(plus a [\$20] \$10 surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a [\$20] \$10 surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a [\$30] \$15 surcharge)
8001-10,000 lbs.	.96 per hundred lbs. gross weight		(plus a [\$30] \$15 surcharge)
10,001-26,000 lbs.	.96 per hundred lbs. gross weight		(plus a [\$35] \$17.50 surcharge)
26,001-73,280 lbs.	.96 per hundred lbs. gross weight		(plus a [\$50] \$25 surcharge).

(2) Any surcharge under subparagraph (1) shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds gross weight plus a ~~[\$50]~~ **\$25** surcharge, over 73,280 pounds—\$1.44 shall

be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds. Any surcharge shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(i) Each additional semi-trailer used in conjunction with such truck-tractor—\$24.00.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

0-1000 lbs.	\$ [5.50] 4.25
1001-1500 lbs.	[8.50] 7.25
1501-3000 lbs.	[14.50] 13.25
3001-5000 lbs.	[29.00] 26.50
5001-8000 lbs.	[41.00] 38.50
8001-up	[.75] .675 per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be [~~\$75~~] **\$.675** per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds—\$24, for any additional weight above 16,000 pounds—\$.74 per hundred weight.

(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes—\$24. (In the event that a farm truck registered under the \$24 fee as provided in this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle – [~~\$20~~] **\$17.50**.

392 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, VII(b) to read as follows:

(b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter – [~~\$17.50~~] **\$13.75**.

393 Elimination of Registration Fee Increases; Effective Date. Amend 2009, 144:301, IX to read as follows:

IX. Sections 247 and 248 of this act shall take effect July 1, [~~2011~~] **2013**.

394 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations are to be a charge to the highway fund and are hereby authorized for the following accounting units within the department of safety. Said appropriations shall be used to supplant general funded appropriations within these accounting units:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
02-23-23-2310-2300	Office of the Commissioner	Highway	\$3,100,000	\$3,150,000
02-23-23-2340-5412	Detective Bureau	Highway	\$0	\$5,600,000

02-23-23-2340-8239	Urine & CODIS Testing Lab	Highway	\$0	\$460,000
02-23-23-2360-2730	Dir of Homeland Sec-Emer Mgmt	Highway	\$0	\$650,000
02-23-23-2310-1234	Office of Policy - Planning	Highway	\$0	\$34,000
02-23-23-2340-4023	State Police Evidence Account	Highway	\$0	\$11,000
02-23-23-2340-4014	State Police Witness Fees	Highway	\$0	\$15,000
02-23-23-2340-4022	State Police Forensic Lab	Highway	\$0	\$880,000
Total appropriations and charges as included				
Highway Fund			\$13,900,000	

395 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013 the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation. The department may use any additional federal funds available to match the following general fund appropriations:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
01-84	Department of Revenue Administration	General Funds	\$1,000,000	\$1,000,000
02-46	Department of Corrections	General Funds	\$1,000,000	\$1,000,000
05-95-40-4030-5855	Children in Need of Services	General Funds	\$0	\$1,284,000
05-95-40-4030-5855	Adoption Services	General Funds	\$697,000	\$1,030,000
05-95-40-4035-6148	Child Development Program	General Funds	\$0	\$4,479,000
05-95-48-4810-8943	Alzheimer's and Related Disease Caregiver Program	General Funds	\$321,000	\$321,000
Total appropriations and charges as included				
General fund			\$12,132,000	

Amend the bill by replacing section 396 with the following:

396 Effective Date.

I. Sections 8, 11, 12, 14, 15, 34, 50-51, 90-91, 120-125, 181-187, 190-195, 336, and 342 of this act shall take effect upon its passage.

II. Sections 335, 337, 340, 346-371, and 373-376 of this act shall take effect 60 days after its passage.

III. Sections 69, 75, 84, 209, 223, 327, 328, 343, 372, and 393 of this act and paragraph I of section 220 of this act shall take effect June 30, 2011.

IV. Section 165 of this act shall take effect July 1, 2011 at 12:01 a.m.

V. Sections 29, 30, 33, 46, 170-171, 173-179, 188-189, and 283 of this act and RSA 100-A:16, I(aa) as inserted by section 180 of this act shall take effect January 1, 2012.

VI. Sections 21, 338-339, 341, and 386 of this act shall take effect July 1, 2013.

VII. Section 292 of this act shall take effect July 1, 2014.

VIII. Sections 294 and 295 of this act shall take effect as provided in section 299 of this act.

IX. Section 221 of this act shall take effect as provided in section 222 of this act.

X. Section 172 of this act shall take effect July 1, 2016.

XI. Sections 325-326 of this act shall take effect July 15, 2011.

XII. Sections 224 and 391-392 of this act shall take effect July 1, 2012.

XIII. The remainder of this act shall take effect July 1, 2011.

2011-2242s

AMENDED ANALYSIS

Amend the analysis by deleting paragraphs 87, 88, and 98 and renumbering accordingly, and inserting the following new paragraphs:

145. Delays the elimination of the motor vehicle registration surcharge from July 1, 2011 to July 1, 2013 and decreases the amount of the surcharge in each fiscal year.

146. Replaces certain general fund appropriations with highway fund appropriations and makes additional general fund appropriations.

SENATOR D'ALLESANDRO: Thank you, Mister President. I'll speak to the amendment once it's passed out. And, as I said to my colleague and fellow Marine, who's not here: "We're not in the process of retreat, we're just advancing in a different direction." That was the famous quote of General Chesty Puller at the Chosin Reservoir when we moved forward. Semper Fi, mate. We keep it going.

This amendment before you takes an idea that was brought forth by a fellow Senator, and I thank him very much for allowing me to use his idea. And, the idea is this: We take the motor vehicle registration surcharge and we delete it over the next two years, and we delete it in the first year and do away with it in the second year. In the first year, under this plan, it will produce \$3.1 million; in the second year, it'll produce \$10.8 million. What we do is take the monies, restore the highway fund, take the general funds that supplementing the highway fund and bring them back and use them to cover certain unfunded items that I think were very important in the budget process.

Now, in the first year, this is what we fund: We restore the remainder of the House reductions to the adoption services. That's very critical, because we do run into a problem; if we don't maintain the adoption subsidy, we run the risk of losing some federal funds.

We restore funds to the Department of Corrections. We restore funds to the Department of Revenue Administration because we have revenues associated with auditors, and if we don't have the auditors, then we don't get the revenue. That revenue is penciled in at about \$40 million. Most of that money is generated by the out-of-state auditors. Each one of those has a number associated with them in terms of revenue produced. We can't lose that. So, we restore to the Department of Revenue Administration \$1 million. Then, we restore the reduction to Alzheimer's and related disease caregivers. And, all of us recognize the fact that if these caregivers aren't in place to give respite to those who are taking care of people with Alzheimer's and other related diseases, you know the problems that ensue and the costs associated with that.

In the second year, we address CHINS, which by the way were addressed in the budget – I compliment the Senate for doing that – and we would be able to serve about 100 students CHINS with what the Senate did. Some of those students are extremely dangerous. Some of them create life-threatening situations if they are brought back into their home. So, what we do in the second year is we appropriate \$1.2 million to take care of CHINS; that gets a federal match.

We continue our appropriation for the adoption subsidies; we restore funds to Corrections; we continue restoring funds for auditors at the Department of Revenue Administration; we continue with our Alzheimer's and related caregiver program; and then we restore funding for employment-related

childcare, because everybody needs a job, everybody wants a job, and if you don't have someone to take care of your child, you can't get a job. So, we restore monies that were disappropriated for that purpose. That falls in line with our basic premise, and our basic premise has always been economic recovery, job creation. We don't want to eliminate jobs, we want to restore jobs and we want to create jobs. People who don't have the subsidy for taking care of their children can't get a job. This allows them to get a job. This surcharge disappears at the end of the biennium; hopefully things will be restored. And, to my colleagues, I might say: For the month of May, we arrived at our revenue projections! We made it! Congratulations, everybody. Your spending limits must have been terrific. But, we made the number – we made the number here in New Hampshire, and that's a good thing; that's a good sign, and we always like to look at the cup as being half full. So, we are moving forward. June is another month which I think we will make the number in.

By restoring these items, what we do is we create a situation in New Hampshire where things that we couldn't fund we now can fund. And, certainly CHINS – we know the gravity of that situation. Adoption subsidies: We for years have said: "One thing we want to do is get more of the children who are in state custody adopted." We provide a subsidy; it's \$20.39 a day in most instances; if you adopt a special needs child, you get a little bit more. These children are provided a home; they're provided a place where they can be where they can feel good about themselves, where they can recognize who they are, where they can move forward. That's a great thing. We have spent years and years and years trying to promote adoption in this state, and we're doing a better job of it all the time. We restored money to Corrections. Again, Revenue Administration: We recognize the fact that without the auditors, we can't collect the money. I don't have to give you a reiteration about Alzheimer's and disease caregivers. It's something that those of you who have been with anyone – My dad died with Alzheimer's; I know what it was like to be with him at the end, when you didn't know what they were going to do, where they were going to go, how they were going to get there. But, you needed somebody there, and you need people there on a 24/7 basis in order to give that care. Respite care, we know the value of that – we know the value of that environment. And, again, from the employment side: Doing something related to employment in terms of taking care of children. All of these things can be accomplished. It reduces the surcharge, it does away with the surcharge, but it does some meaningful things in this biennium. It just makes a document that we have produced a little bit better; it's a little bit better. And, what thesis hasn't had an amendment? You know, what proclamation doesn't deserve to be touched up? So, we're amending it; we're amending a document that says: "Here we have something that we worked hard to produce; here's a little something that makes it a little bit better." It makes it better for the people we serve; it makes us better when we walk out of this chamber, we feel good about ourselves in light of the fact that we've served more people; we've given more to the people that we represent.

Mister President, I ask my colleagues to support Amendment 2242s, and with that, thank you very much.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I rise against this amendment, as I did several months ago, and for a different reason this time, in the sense that we put this fee in place, and originally, it sunsets

at the end of June – finally – and the fee wasn't used for the right thing in the first place. If you put a \$30 surcharge in place and you used it all for highways, you would have had massive, massive job growth in New Hampshire. Is it the right thing to do? It's a million-dollar tax on my home community, and they didn't even know it. But, now we're taking it and using it for other things. And, I do have the same passion as Senator D'Allesandro. But, I've been through it. We've been through the budget. I asked everyone when we got done this to come in with a different idea, cut something in the budget. I wasn't going to support increases in taxation to get there, increases in bonding to get there. You know, we talk about the Department of Corrections, how we cut so much. It's an increase; it's a 2 percent increase. I challenge you to look back to what they had in '10 and what they had in '11. I mean, it's growth, when everybody else is shrinking. I mean, it's one department to point to, but I mean, it was hard enough to build this budget when everyone was receiving cuts, and probably the ones that took it on the chin more than anything because they were general funds are the university system and the community tech system, and we said we were going to look at them last, and there wasn't anyone in the Senate that wasn't praying for revenues to come in higher. But, there's a reality. And, if we go and we put taxation on the same people that are telling us they can't afford it now, what are we doing? I strongly believe in the Senate President's comments: We need to live within our means. This would be producing more means. I don't think it's appropriate at this point in time. I still think you have to realize we haven't balanced '11, and we still have that issue that we're going to be fined \$35 million, which is coming any day. And, we need to figure out how we're going to pay for these things. And, some of the things discussed today, rightfully so, may be discussed in the committee of conference, in order just to bring the budget where we presented it today. And, I thought we did a lot of good in that budget. And, one other thing I'd like to address, because we didn't get higher education, but we surely did, in kindergarten through 12, make strides in the Senate. It's not in this bill, but as we say the Senate didn't invest, we did. We did it properly. In the operating budget, we funded those trailers that are in all the communities for kindergarten. We funded in capital the money that was supposed to go back to the communities. We got the Perkins Grant back because we spent \$1 million to add to tuition and to transportation. We did great things in this budget with very little money, and we made a real difference. I think it's time to take the package and send it on to the House and then get forward with the committee of conference that they're going to request.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. My colleague did a great job on explaining the finance of this amendment, but what he failed to tell you is that this is a diversion; it is a terrible situation when we're abusing what we're here to do, and that's to protect the Constitution. Article 6-a: registration fees and gas taxes go to the highway fund. Diversions are not supposed to happen. This body talks all the time about diversion, diversion! This is a diversion! We're here to protect that. If you want to fund these, put in another tax. But don't put in a tax that by the Constitution goes to our highway fund. I sat here over the last few weeks and heard about: "Well, this doesn't go to the highway fund." Not everybody realized registration fees are a part of 6-a; they go to the highway fund; they need to stay there. We talked about diversion for years. Ad hoc committees; one committee after another: "How do we stop diversion?" We believe Safety should be funded from the general

fund. We've got \$80 million in diversions from the highway fund. If you want to fund things, fund Safety from the operating budget, not from our registration fees. I don't know what happened in the House; I had a mental relapse – prime example of norepinephrine not working on our synapses – they did away with waivers on the 28 percent! This circumvents that. And, one of the people who authorized it was the one who proposed the 28 percent! This has got to stop. Article 6-a – it's a registration fee; it stays in the highway fund, and I'm going to protect the highway fund. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. My distinguished colleague gave us some medical terminology, and I'll have to go to my Physician's Desk Manual to work on that.

SENATOR RAUSCH: Do that.

SENATOR D'ALLESANDRO: I shall! I shall! That's mandatory. Mister President, I just want to make a few comments with regards to Corrections, because I think when we talk about increases, we ought to say why.

There are two outstanding suits: the Lawman Suit, which was put in place many, many years ago, which still hasn't been settled, and the Holiday Suit. The Holiday Suit forced this state to spend \$20 million – forced us to spend \$20 million – because we were out of compliance in taking care of people in the secure psychiatric unit. That's something we were forced to do. Did we want to do it? I don't think so. Were we forced to do it? We were forced to do it because the courts demanded that we do it. When the courts demand that we do it, we usually make do and we make it happen. That's why Corrections increased. We closed the Laconia facility, moved prisoners from Laconia to Berlin and to Concord. For those of you who have visited the Concord prison – and I'm sure some of you have – you know what it's like. So, the increases were brought about because of court action against the State of New Hampshire.

With reference to the diversion: I support my colleague's concept. But, difficult times present difficult problems, and you've got to come up with solutions. This is a solution – a very temporary solution – that does something to address needs. You can debate whether it's the right or the wrong thing to do, but one must do something. You have to do something. When you see a need, when you recognize the fact that dangerous children may be out in the community, that creates a need that has to be addressed; we've got to address it. There are 250 of these kids – there are really 500 of these kids. I looked at the Manchester school system; we have 16 of these kids in our school system. They cost us – or will cost us – \$1.6 million a year, if indeed CHINS aren't taken care of. So, when you see a need, you've got to address the need, you've got to work on addressing the need. And, in the big picture of things, I've said constantly, we're just trying to do better; we're trying to make life better for people so that people can live a good, solid, productive life. That's the name of the game. I mean, that's why I serve in the public venue. That's why we're here – all of us. And, I recognize that, and I commend everybody for doing that. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I think many of us heard that one of the biggest issues that our constituents were frustrated about was this car registration surcharge. This was a huge issue. And

so, this is not minor. I do applaud the sentiment of this bill as far as meeting these needs, but there's a problem. And, I think we're seeing this through many of these amendments. This is Keynesian thinking. And, if we know anything about Keynesian thinking at the federal level, it doesn't work; you cannot create jobs and build an economy by spending, spending, spending and taxing more, and I think we need to see it for what it is. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Failed.

Sen. Houde offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15.

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2243s

05/03

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by deleting sections 309-313 and renumbering the original sections and effective dates accordingly.

Amend the bill by inserting after section 389 the following and renumbering the original section 390 to read as 391:

390 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
05-95-90-9020-5530	Family Planning	General Funds	\$118,000	\$88,000
Total appropriations and charges as included				
General fund			\$206,000	

2011-2243s

AMENDED ANALYSIS

Amend the analysis by deleting paragraphs 106-109 and renumbering accordingly, and inserting the following new paragraph:

144. Makes a supplemental appropriation for family planning services.

SENATOR HOUDE: Thank you, Mister President. I'm going to go a little bit in the opposite direction and speak to what the amendment would restore, and then I'll talk about how it would do that. What it would do is restore family planning funding, which is, in this budget, cut by 57 percent in 2012 and 64 percent in 2013. While my amendment does not restore all of the funding, even to the level proposed

by the Governor, which was already funded at a reduced level, these are important allocations that would not only serve people, but save money, as well.

Unchanged, this budget cut will affect not only Planned Parenthood health centers, but community health centers and community action programs across the state. For Planned Parenthood of Northern New England, it would mean the likely closure of one or more of its health centers, now located in Claremont, Derry, Exeter, Keene, Manchester, or West Lebanon. But, more than offices, this will impact people; specifically, it will impact low-income women and teens with no other source of insurance. According to the Department of Health and Human Services' impact statements, between 13,000 and 20,000 clients will be affected; I'm sure Senator D'Allesandro would want me to note there are over 5,000 in Manchester alone. He's not here, but he would want me to note that. One in six women in New Hampshire now get their annual exam, including cancer screening, at a family planning center. In fact, 60 percent of the women who visit family planning clinics consider it their only source of medical care. Family planning investments are among the most cost effective programs for saving State healthcare dollars. These programs provide much more than birth control; they offer cancer screenings, as I said, basic exams, and disease prevention. The average family planning visit costs less than \$100, and the average cost of a Medicaid birth? Over \$11,000. Cutting off access to this basic healthcare will significantly increase Medicaid and welfare costs. These funds have been critical in helping New Hampshire reduce its teen pregnancy rates; we are now the lowest in the country, but the City of Manchester and Coos and Sullivan Counties still have teen pregnancy rates that are double the state average. But, I heard the Chair of Finance yesterday when he said that there will be no new taxes or fees tolerated. So, here's my plan: If you'll look at pages 90 to 91 of House Bill 2, there are sections starting with 309 that reduce fees – they reduce fees for things like the rooms and meals operator license renewal fee, transfers of animals and birds, condominium act application fees, marriage license fees – that's one of my favorites that we're reducing. So, what I'm saying, Mister President, is that my plan does not increase fees. It takes away the reduction of fees. We decided that that didn't make sense in other contexts: the cigarette tax; we didn't decrease that fee – the gas tax; we didn't decrease that fee. Let's not decrease these fees. And, frankly, I think it's a small amount of money that's going to make a huge difference. It made sense in those other areas, and it makes sense here. Thank you, and as such, I ask for your support for this amendment. Thank you, Mister President.

(The Chair recognized Sen. White for a question of Sen. Houde.)

SENATOR WHITE: Thank you, Mister President. Out of this \$206,000 you're proposing, you said that this would fund Planned Parenthood centers as well as community healthcare centers. Do you know what the percentage breakdown would be between the two of them; how much to Planned Parenthood versus how much to the community healthcare centers?

SENATOR HOUDE: I don't Senator White. Thank you for the question. It may be on a prorated basis. I could certainly get you the answer to that, though. I don't know it off the top of my head.

SENATOR WHITE: Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Houde, seconded by Sen. Larsen.

The following Senators voted Yes: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 6 - Nays: 18

Failed.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2240s

05/03

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing section 340 with the following:

340 Appropriations and Charges. In addition to any other sums appropriated for the fiscal year ending June 30, 2013, the following appropriations and charges are hereby authorized for the department of resources and economic development. Said appropriations shall be a charge against the state park fund, state owned ski area account as established in RSA 216-A:3-i:

<u>Accounting Unit</u>	<u>Class</u>	<u>Department/Agency</u>	<u>FY 2013</u>
03-35-35-3515-3703		Cannon Mountain	
03-35-35-3515-3703	010	Personal Services-Perm Class	\$713,653
03-35-35-3515-3703	011	Personal Services-Unclassified	\$74,060
03-35-35-3515-3703	018	Overtime	\$36,000
03-35-35-3515-3703	019	Holiday Pay	\$29,000
03-35-35-3515-3703	020	Current Expenses	\$523,500
03-35-35-3515-3703	022	Rents-Leases Other Than State	\$380,000
03-35-35-3515-3703	023	Heat-Electricity-Water	\$1,000,000
03-35-35-3515-3703	024	Maint. Other Than Build. Grnds	\$273,000
03-35-35-3515-3703	026	Organizational Dues	\$35,000
03-35-35-3515-3703	027	Transfers To DOIT	\$31,036
03-35-35-3515-3703	030	Equipment New/Replacement	\$78,003
03-35-35-3515-3703	039	Telecommunications	\$17,000
03-35-35-3515-3703	042	Additional Fringe Benefits	\$46,000
03-35-35-3515-3703	044	Debt Service Other Agencies	\$82,303
03-35-35-3515-3703	047	Own Forces Maint.-Build.-Grnds	\$100,000
03-35-35-3515-3703	050	Personal Service-Temp/Appoint	\$836,628
03-35-35-3515-3703	059	Temp Full Time	\$246,000
03-35-35-3515-3703	060	Benefits	\$745,415

03-35-35-3515-3703	061	Unemployment Compensation	\$39,000
03-35-35-3515-3703	062	Workers Compensation	\$85,000
03-35-35-3515-3703	069	Promotional-Marketing Expens	\$320,000
03-35-35-3515-3703	070	In-State Travel	\$1,600
03-35-35-3515-3703	080	Out-of State Travel	\$9,400
Total appropriations and charges as included:			
Other funds		\$5,701,598	

Amend the bill by deleting sections 341-347 and renumbering the original sections and effective dates accordingly.

2011-2240s

AMENDED ANALYSIS

Replace paragraph 127 with the following:

127. Makes certain appropriations for the department of resources and economic development which shall be a charge against the state park fund established in RSA 216-A:3-i.

SENATOR D'ALLESANDRO: Thank you, Mister President. I'll wait for everybody to get it.

Mister President, this amendment takes Cannon Mountain and restores it to its original position. It replaces paragraph 127 with the following: "Makes certain appropriations for the department of resources and economic development which shall be a charge against the state park fund established in RSA 216-A:3-i."

We've had lots of discussions about Cannon Mountain and the privatization of Cannon Mountain. Cannon Mountain is one of the great natural resources we have in the State of New Hampshire. For the past two years, Cannon Mountain has been managed magnificently by an individual who's put his heart and soul into making Cannon Mountain the attraction that we all believe it could be. It's one of the last public venues that we have – public venues – for skiing. And now, with the completion of the entire package, with the purchase and development of Mittersill, we have a complete package in a park that's really dedicated to the veterans of the State of New Hampshire, but really dedicated to all of the people of the State of New Hampshire. It's a gem. And, when you look at the park in its entirety, it not only includes Cannon, but it includes the Flume and all of the things that are so attractive to us as we drive up 93 and enter that park.

Cannon's had two very, very good years. My family uses Cannon; they consider it one of the great ski areas in our state. Affordability and accessibility are things that we are very proud of in New Hampshire. We try to keep the prices as low as we can so that citizens of the state who enjoy the winter activities can take advantage of them. It's a good family environment; it's a good family venue; it's something that we should treasure. It's a beautiful situation. Privatization, at this time, really doesn't make sense to me. It's a treasure that we really should hang on to, and we should cherish. We had a lot of testimony about this during the monetization hearings; we had more testimony on this during the budget negotiations. But, it's a gem that we should keep.

You know, jewels are very, very valuable in this life. And, one of the things you like to do is hold on to the jewels, because the jewels have enormous value to the family. And, the family is the State of New Hamp-

shire. It's all of us; all of us own a piece of Cannon Mountain. All of us can enjoy Cannon Mountain: We enjoy the tramway; we enjoy skiing; we enjoy the summer activities. That's New Hampshire; that's part of us. It's the part of New Hampshire that we cherish; it's the part of New Hampshire we don't want to give away; it's the part of New Hampshire that all of us have, I think, have to love and be very, very respectful of. With this amendment, we maintain our Cannon Mountain. It's something that I believe in, something that we should do, and hopefully others here will be of the same opinion. Once you give something away, you can never call it back, because it never looks the same. After it's gone, you may pine about it, but it never comes back the same way. We've spent money on Cannon Mountain; people have enjoyed Cannon Mountain; our youngsters enjoy it; our adults enjoy it. It's a jewel of the State of New Hampshire. I don't think New Hampshire is in the business of giving its jewels away. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. As somebody who knows Franconia Notch State Park pretty well, having climbed all of the seven 4,000-footers that are serviced through Franconia Notch State Park multiple times, I think I can speak from a little bit of experience about how beautiful it is, how wonderful it is, and how nothing will change if a private company runs the ski area, providing we do our homework and make sure that when Cannon is leased, it's done in a way that is acceptable to the State of New Hampshire.

I thought about a month ago with all of the discussions about Cannon that it was time to take a little walk. I've climbed Cannon every way possible: up the cliffs, up the trail, and, most recently, up from Mittersill, on the ski trails. We talk about a gem that Cannon Mountain is; I was rather shocked to have seen what I consider a very lackadaisical approach in the construction and the erosion resulting of it. I'd be happy to take anybody on a tour of the mountain, or we can go upstairs and I'll give you a virtual tour on my computer. Large-scale erosion. Now, I've also climbed Saddleback and Wildcat and Waterville Valley on the trails – all run privately – I've never seen the kind of environmental problems that I saw at Cannon. Unfortunate, to say the least. I was also given the last several years' operating statements by a friend of mine who – it took him a lot of effort to get DRED to release these statements over the last five or six years. If anybody who supports this amendment can tell me why Cannon is not depreciating its capital resources and then claiming they made \$1 million last year, I'd like to know. Any one of us that own a private business would depreciate. Just a conservative estimate is that probably tempers the so-called million-dollar profit by somewhere in the range of \$250 to \$500,000 – a wee mite of a problem. I'd also like to know from the sponsors of the amendment why in fiscal year 2008, heating, fuels, and electricity accounted for nearly \$700,000 and \$70,000 of like expenses in the summer, and then – perhaps it was coincidental to discussion of privatization a few years ago – that number flipped to \$104,000 in the winter and \$757,000 in the summer. I don't get it, except for the fact that the depreciation's not there. I'd also like to know why benefits for the ski school cost \$30,000. I have another friend that I hike with that was an instructor at Wildcat this past winter; he was paid \$9 an hour. So, when we talk about not giving anything away, I would say there is no better time to do this than the present. I wish that my good colleague from Manchester – and, I'd be glad to take you

on a hike – I took Clara Monear on the same hike a couple of years ago and she made it; Senator, you'd make it, too. I wish you had the same passion for producing revenue for the State that you do for using surplus, because quite frankly, quite frankly, some of the worthy causes that you talk about – congregate housing, uncompensated care, sexually transmitted disease, HealthyKids, the community college, I think we all agree they're worthy causes. But, what really has convinced me that privatization is a good idea are the numbers. In 1997, prior to the lease of Sunapee, there were 110,000 skier visits per year. Since 2000, those numbers have increased to over 200,000 visitors per year, every year. And, in 2011, which was a pretty good snow winter, we had 288,000 visitors. At a time that we need to actually get that rooms and meals tax increase, Senator, you wanted to spend twice, we really ought to increase the rooms and meals tax revenue by drawing people to the State of New Hampshire who love to ski at Cannon, as I do. Last year: 131,000 skier visits in Cannon. Now is the time to let a real-world operator who will put their own money into Cannon to run it and do it right for the skiers, for the crazy snowboarders like me, and for the hikers that like to hike it, and for the forest of us that love Cannon Mountain.

I've also heard a little bit of discussion about the veterans' memorial. So, I decided after I climbed Cannon I'd go tramp around the base and see what I could find. There is a memorial for Sergeant David Stymat – he's known as "DJ" – he was a tram operator in the National Guard; he was killed in action in Baghdad. So, on the slopes above the face of the tram, and there's a beautiful plaque embedded into a stone right on the edge of Profile Lake. That's all I could find. You know, we need to do a better job of honoring our veterans if Franconia Notch State Park is for our veterans. And, I think that with all of our efforts, we ought to be able to do some of the things that have been done at our veterans' cemetery, where every service of the military has a monument. It could be done through a not-for-profit cause. We have to find the land to dedicate it. But, that has nothing to do with running the ski area. We're running a ski area now, and DJ the tram operator who was killed in action in Baghdad is appropriately honored.

This amendment funds a top priority for you, Senator D'Allesandro, something that I care deeply about as somebody who goes in the mountains pretty frequently. We take \$50,000 from the proceeds and put it into the Fish and Game search and rescue fund – something that's long overdue, that's never been done; it's about time it is done so that we're not stealing money out of dedicated funds paid for by boaters, hikers – not hikers, excuse me – anglers, and hunters; it's long overdue to have this money go into the search and rescue fund.

So, I salute Senator Morse and the Finance Committee for doing this; it's long overdue. This ski area – or snowboarding area – will be better for it as Sunapee has been better for it over the last 15 years. Thank you.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I rise reluctantly in support of this amendment, not because I don't believe that leasing Cannon Mountain is a good thing; I think it is. I've seen the slideshow that Senator Bradley has on his computer, and I'm very, very concerned. But, I rise for a different reason, and that has to do with a subject that Senator Bradley touched upon, and the fact that we have a war memorial on Cannon Mountain at Profile Lake.

I looked in HB 2 on page 98 on lines 32 through 34, which basically ask that any proposals received has to take into consideration and require that public and private access to and use of World War I's veterans' memorial will remain the same. I don't believe that's strong enough language. This land was bought in part by the schoolchildren of New Hampshire who saved their pennies and contributed to what they believed was a worthy cause to honor the dead, fallen soldiers from the State of New Hampshire during World War I. And, it is my understanding that there are ashes that are also scattered in that general area. I think we really need to take a look at this land surrounding the rock with the memorial and figure out exactly what constitutes this memorial. And, I do believe that we can invest and we should invest in preserving that. So, again, I would just hope that those that serve on the committee of conference will look at this language and put some stronger protections in for this particular area. Thank you very much, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I want to address my good friend Senator Carson's comments. I'm on page 98, line 32, and I happen to think a little opposite of what Senator Carson thinks. I think the wording is gone over, and I think it's adequate to take care of it. If I didn't think it was adequate, I wouldn't have voted for it and I would have had it changed. And, I will say this: I made a little bit of noise about it during committee, and I think the whole committee – the other six members of the committee – agreed and put this together. And, I do not think it is improperly said, and I have not had one veterans' organization call me and tell me it's not correct. So, I just want to make it perfectly clear that, in my opinion and the committee's opinion, the wording is correct to preserve that World War I monument that was purchased by the children of this state. And, if it hadn't have been, by God, I'd be up here saying: "The heck with ya! I'm not voting for it." Thank you very much, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Just to respond to my distinguished colleague, Senator Bradley, I commend him for his walks up and down the mountains; I think that's a wonderful thing. God bless you, and may he regard you as you walk among those mountains; you deserve it. It's with great affection that I say that.

But, I say this: I've never spent money twice; never had that opportunity. My wife thinks I'm a very fiscal conservative, and I try to be a fiscal conservative when I approach every issue. It's my belief that privatization is not always the answer; it just isn't always the answer. There are some things that we do better in the public venue, and I think the most significant thing we do in the public venue is take care of the public in need. And, that's why I think this is such an important issue. I lived in the North Country when I first started in the business of education; I taught at Kennett High School up in Conway, New Hampshire. I would go every day, and I would ski either Cranmore or Black Mountain. And, there's nothing more enjoyable to me than being out on a winter day sucking up the sun and that great clean air that you get at the top of a mountain; it's the most invigorating – most invigorating thing you feel. And, to my colleague, it's like doing a forced march of 20 miles, coming back and taking off that pack and lying on the floor of my domicile and saying: "God, I made it again." Take those deep breaths. So, this, as I say,

is a very important thing for the people of our state. It's a very important thing. And, I haven't seen the financials; I'd be happy to look at them. I appreciate your going into that and looking at them. The only thing I know is this resort has received accolades over the last two years for the way it's been run. My son tells me that the locker room is 100 percent better than it was. The terrain is much better to ski. My grandchildren go; they enjoy it. My son goes with his entire family; they enjoy it. He buys season tickets because he thinks it's the right place to go; he gets a great deal of enjoyment out of it. I can think of many people who came before Senate Finance who expressed that same feeling. This is a gem for the State of New Hampshire, and we should retain it. Thank you, Mister President.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I want to tell you, the one thing about being Finance Chair is you carry a lot of weight, and this is one subject where it's getting heavy. The fact is, the privatization is the right thing financially; there's no doubt in my mind. I made it clear yesterday: We don't have the money to invest in the prisons that we're going to need, and we certainly don't have the money to invest in ski areas, which is the only way it's going to compete in the future, and I think the operator understands that, to be honest with you, because they saved \$400,000 out of that surplus this year to invest in the capital when we probably should have paid off the 2011 debt that we still have.

But, Senator Carson, I want to make it clear that we put redundancy in this bill to make sure that when the lease document's built, everyone's involved. The reality is, if you look at Sunapee's lease, which we did, that's where the true document's built that includes everything here. But, we built a study committee with seven members, we have it reporting to Capital Budget Overview, and we have DRED involved in it. The only thing Senate Finance did, because government works in strange ways, is we removed their whole budget in 2013 in order to make sure it happens. And, that's what they're trying to add back right now. And, I can assure you, if we add it back, nothing will get done, because that's how it works around here. We're all well-intentioned, but we just don't get it done. And, I want to see something get done in several areas in this government right now – this isn't the only one – and I tried to make sure it would happen, and I tried to do it with the greatest of security, and I made sure I contacted the veterans when we were drafting this language, and Senator Barnes knows that. So, I think we've put everything we need to in this bill to protect those monuments and to protect the people in the State of New Hampshire, quite honestly, so that that asset doesn't go bad. But, I think we can do a better job, and that's what we will do when we pass this bill, not this amendment.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Houde, Odell, Kelly, Carson, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 7 - Nays: 17

Failed.

Recess. Out of recess.

Sen. Kelly offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2247s

03/05

Floor Amendment to HB 2-FN-A-LOCAL

Amend paragraph II of section 220 of the bill by replacing it with the following:

II. The legislative accountant shall allocate the original \$3,000,000 special legislative account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the senate, the house of representatives, the joint offices, and the office of legislative budget assistant. Beginning in fiscal year 2012 and each year thereafter all unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in excess of \$125,000 at the end of the fiscal year shall transfer the excess to the general fund.

Amend the bill by inserting after section 394 the following and renumbering the original section 395 to read as 396:

395 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
05-95-93-9300-7100	Developmental Services			
	Waitlist	General Funds	\$2,500,000	\$2,500,000
Total appropriations and charges as included				
General fund			\$5,000,000	

2011-2247s

AMENDED ANALYSIS

Amend the analysis by inserting the following new paragraph:

148. Makes an additional appropriation for developmental services.

SENATOR KELLY: Thank you, Mister President. And, I would like to speak to Floor Amendment 2247s while it's being passed out. This floor amendment provides additional funding for the developmentally disabled waitlist. The funding would come from the balance of the non-lapsing funds from the Legislative Branch.

We as legislators succeeded in past legislation to fund 100 percent of the DD waitlist, which, as we know, provided resources and enhancements and a quality of life to those on that waitlist. So, you know, I have to assume, and I think I know, that it is the will of this body to provide services and funding for the developmentally disabled in our communities. And, I feel that even if we are able to appropriate just enough funds for one more person, even if it was just one more person – and I think you'll see the funding here is for more than one person – but even if it was for just one more person, I think it is the responsible action for us to take today. And, I think of a person like Jennifer – and I know that many

of you met wonderful people in your community who spoke to you about their services and the needs for services and what the cut in this funding would do to their lives. I met Jennifer; she's trying to get through Keene State College as a student. She is in a wheelchair – wheelchair-bound. She can't walk, she can't feed herself, and she can't talk. But, she has a computer that we fund, statewide, that is in question going forward, or at least that is her story to me. And, she writes with this computer with her eyes; she looks at a letter and that's how she writes. She wrote me a letter, and it was a beautiful letter. She told me that as a child, in order to speak, because she wants to speak so badly and to communicate and express herself – and, believe me, when you read what she writes, it is very expressive – that her parents would go through the alphabet and she would nod, and that's how she learned to communicate. She is a bright woman, and she asked me if I would speak on her behalf and others like her to make sure that they can feel confident that they have the services they need that I know we all want to provide for them.

So, I offer this amendment. And, I know that it doesn't bring us up to 100 percent, but I'm trying my best. And, I ask you all to support the amendment with the non-lapsing funds from the Legislative Branch. Thank you so much.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I urge you to really carefully consider Senate Amendment 2247. We have already seen that some of the developmental disabilities waitlist will be funded. But, it is apparent that while they ask for funding for 447 people on the developmental disabilities – predicted to be on the waitlist, the funding was only at 40 percent. So, 264 people who are disabled in our communities will not be served. We funded 40 percent; 60 percent go unserved. There's also, apparently, an additional 30 people with acquired brain disorders who will be unserved. We've made a halfway attempt at solving the problem of: "What do we do with the developmental disabilities waitlist?" But, we can do better. We have a lapsing legislative account of \$3 million – special legislative account. We can use some of that money for developmental services and meet the needs of our most critically needy community. I think everyone here has people they know personally, people who count on the services so that they can go to work every day, so that they can care for their special needs child. There are kids graduating every year with special needs who end up aging out: aging out of the places where they get services in our schools. Without our funding the developmental disabilities waitlist, we end up with, once again, a community of people waiting for services, with parents trying to figure out how to go to work every day, and our not meeting a need that I think everybody in this state would recognize is one of our most prime responsibilities. I encourage your support for Amendment 2247 and for fully funding the developmental disabilities waitlist. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. My understanding of the account is the \$3 million is already being lapsed; that would leave \$3 million, potentially, for purposes of this amendment. Unfortunately, the way this amendment is drafted, as I understand it, it actually expends \$5 million over two years when there's only \$3 million to possibly be able to spend. I think we all know that the DD waitlist is a high priority. Why it wasn't funded in the Governor's budget or in the

House budget remains a mystery to me. The Senate Finance Committee has made a good-faith effort to restore \$2 million in the first year and \$4 million in the second year. While I'm sympathetic to the purpose of this amendment, as it's been explained to me, there's not \$5 million to lapse, and we would have a very real problem if we passed this amendment. So, I ask that we vote it down.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I just want to respond, Senator Bradley, to my understanding of this non-lapsing fund. And, I know that you would join me in wanting to be able to do this. So, this is what I'm trying to work out with all of you as my colleagues here. What I understand is that today there is a balance for \$4 million, and that would be as of June 30, 2011. And so, we would have to give back \$1 million, because I think that's what you're referring to, which means that for this year to 2012, we would have a leftover of \$500,000, which would then go back into the year 2013, plus other non-lapsing funds throughout that year to equal the \$2.5 million. And, this is what was explained to me through LBA. So, just for the record.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: I would just, in almost answer to your question, Senator Kelly, tell the body that the \$3 million in question is not an annual appropriation. And, I think that's where the problem with your amendment lies, in that there's simply not enough money, as it's been explained to me.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Boutin.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Failed.

Sen. Kelly offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Larsen, Dist. 15

Sen. Kelly, Dist. 10

Sen. Houde, Dist. 5

Sen. Merrill, Dist. 21

May 31, 2011

2011-2246s

03/05

Floor Amendment to HB 2-FN-A-LOCAL

Amend paragraph II of section 220 of the bill by replacing it with the following:

II. The legislative accountant shall allocate the original \$3,000,000 special legislative account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the senate, the house of representatives, the joint offices, and the office of legislative budget assistant. Beginning in fiscal year 2012 and each year thereafter all unexpended

and unencumbered appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in excess of \$125,000 at the end of the fiscal year shall transfer the excess to the general fund.

Amend the bill by inserting after section 394 the following and renumbering the original section 395 to read as 396:

395 Appropriations and Charges. In addition to any other sums appropriated for the biennium ending June 30, 2013, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Department/Agency	Fund Source	FY 2012	FY 2013
05-95-92-9200-7010	Community Mental Health Service	General Funds	\$2,500,000	\$2,500,000
Total appropriations and charges as included				
General fund				\$5,000,000

2011-2246s

AMENDED ANALYSIS

Amend the analysis by inserting the following new paragraph:

148. Makes an additional appropriation for community mental health services.

SENATOR KELLY: Thank you, Mister President. Yes, I would like to speak to 2246s as it's being distributed. Since I was not able to receive a majority on the previous floor amendment, I would like to bring this one forward using the same funding, which is the non-lapsing fund from the Legislative Branch. And, as I stated in that, today there is a balance of \$4 million, which would be there on June 30th of 2011. We'd have to give back \$1 million, because it is capped at \$3 million. It leaves us \$500,000, which would go into the next year. And then, throughout the next year, we would add other non-lapsing funds throughout the year from this branch, and that would give us \$5 million over the next two years. And, I know that there has been a lot of work done in the Senate and Finance regarding mental health, especially after we had experienced the drastic cuts we did from the House, and I truly appreciate all of those efforts. However, we know it wasn't enough, and there are still people without service. And, I think that the cuts that we're going to be feeling are going to be picked up, as we know, by people who end up going to emergency rooms, because where else are they going to receive the care? Extra costs to emergency rooms go where? Simply, they go and increase our healthcare premiums, and I don't think that's what this body – the direction we want to go. I've done a couple – two or three ride-alongs with police officers in my district. And, they said the biggest problem that they have are the mentally ill. And, what do they do now if there aren't enough services from our community health services? They will be going to the county jails. And, I would argue that the county jails are much more expensive to taxpayers than our community health services. So, even though this funding may not bring us up to the top, again, it moves us in that direction and compensates for the funding that we don't have, even with the capitated plan that the Senate brought forward.

I also heard from many of the Senators here and in Finance as I listened to the discussions and the testimony that moving forward with the capitated program was a reform. Well, I question your definition of reform compared to mine. When I was a college student, 19 and 20 – which was just yesterday, of course – I joined the service corps, which was a

group of college students who worked throughout the country, mostly in New England, and that's where I went, to work in summer camps; we actually lived in tents in the woods. And, school bus loads of the mentally ill from institutions came and stayed for two weeks at a time. And, these were people who had been institutionalized their entire life. And, they came and they lived with us. And, we hiked together, we had cookouts together, we went swimming in the lake together, and that was beginning of what I call "the reform". I'm not convinced that we've ever finished the job. But, I feel that the cuts that have been made are only moving us backwards, back to institutionalization like our hospitals, probably nursing homes, and county jails. I also was manager of a group home; it was a group home for people who had been institutionalized, as well, with a variety of handicaps. And, there was a gentleman whose name was Bob, and he had lived his life at the kitchen table until his mother passed away, and then he lived in the back of a nursing home. And, he was brought to us, and he was 55 years old. And, he was so grateful to live in a group home, to be a part of the community, to be in the community, and participate and be in a home. But, he was told that if he could not get himself from his room to the outside, he would have to go back. And, he had never, ever left a wheelchair without assistance. And, we worked with him every day, and eventually he was able to pull himself up into his wheelchair and get outside in the amount of time that it needed, and he lived the rest of his life in that group home. That's where we need to go. I am really concerned that a lot of the mentally ill in our community are going to end up in county jails or back in nursing homes if we can't fund every single bit that we possibly can find in this budget. And, I feel that this non-lapsing fund is an opportunity for us to move this just one step forward, and I truly ask for your support. Thank you so much.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I spent a little time talking to my own community mental health center; Concord of course ends up being a pretty active center because of the existence of the state mental hospital here. And, talked through with them what the capitation means for them. Capitation, although it sounds good, is apparently a very slow-moving process over at the Department of Health and Human Services. They have been told that they may have to adopt some risk corridors; I've never heard of a risk corridor before. But, apparently they may have to do things like have the first four days at New Hampshire Hospital be paid for by our community mental health centers, and then for any days thereafter, they would be picked up by the State pay. But, there's no certainty yet in how this capitation process works. But, they assured me that there is incentive to serve people less. And, unlike a medical hospital that has some incentive to offer increased services, no one is over-served in mental health by most reports. The capitation encourages serving people as little as possible. And, the submission to CMS has not occurred, so there is a lot of question; we are being advised that the capitation of course is not based on the true cost of serving someone but in fact what we're willing as a state to pay. So, if costs exceed what we anticipate paying, there will be a reduction in what's available to people, which puts people more out on the street. I think all of us would recognize, particularly those of us who live in cities, there's already a huge under-served population of people in the mental health world, and there is an increased population in jails and other places where they are not getting adequate treatment. So, I rise just to support Senator Kelly's amendment and recognize that we have large and unmet needs in our mental health community which

we could manage to the lapse and accomplish savings through our own legislative account and help to pay for the needs of those who are most severely in need in our state. Thank you.

(The Chair recognized Sen. Kelly for a question of Sen. Larsen.)

SENATOR KELLY: Senator Larsen, would you agree that the Legislative Branch could manage to the lapse so the dollars could be there in the second year?

SENATOR LARSEN: That is the intent of this amendment, and I think it's entirely possible. Thank you.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: I'd like to speak to two things. One is the legislative account. If you remember correctly, the Governor asked us to lapse the whole account – all \$4 million of it – to help balance 2011. In working it out with the House, I think the prudent thing to do was to set the account at \$3 million. We've put that into four different buckets: LBA, we've given them part of it; we have a general fund part of it; and then 750 to each the House and the Senate. You that have led before understand that that is not a lot of money based on the legalities that could face this body or the House during any one of the sessions. So, I think it was the prudent thing to do. And, we contributed our share of lapse to 2011.

On top of that, on mental health, I think the Senate can be very proud of its position. The House cut \$26 million from the budget in mental health. The Senate insisted upon the Department coming forward with a plan, and you can use words like "capitation" and "managed care" and everything else. But, we didn't vote on this budget until the very last minute, until they came forward with a plan that we were convinced would make a difference in mental health, and we put \$18 million back into that budget out of the \$26 million. I think we made great strides with the Department, and we also put language in the back of the budget to make sure that they meet with us to go over their managed care implementation every time Fiscal meets. I don't think we could have put a better plan in place for a part-time Legislature that's working full-time. So, I think we've done a good job of it.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Houde, seconded by Sen. Larsen.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 5 - Nays: 19

Failed.

Recess. Out of recess.

Sen. Prescott offered a floor amendment.

Sen. Prescott, Dist. 23

June 1, 2011

2011-2257s

03/09

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by replacing all after section 394 with the following:

395 Department of Safety; Motor Vehicle Registration Fees Decreased. Amend RSA 261:141, III(g)-(o) to read as follows:

(g)(1) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	\$31.20	(\$2.60 per month)	(plus a [\$30] \$20 surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a [\$30] \$20 surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a [\$45] \$30 surcharge)
8001-10,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [\$45] \$30 surcharge)
10,001-26,000 lbs.	\$.96 per hundred lbs. gross weight		(plus a [\$55] \$35 surcharge)
26,001-73,280 lbs.	\$.96 per hundred lbs. gross weight		(plus a [\$75] \$50 surcharge).

(2) Any surcharge under subparagraph (1) shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds gross weight plus a [~~\$75~~] \$50 surcharge, over 73,280 pounds—\$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds. Any surcharge shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(i) Each additional semi-trailer used in conjunction with such truck-tractor—\$24.00.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

0-1000 lbs.	[\$8.00] 5.50
1001-1500 lbs.	[11.00] 8.50
1501-3000 lbs.	[17.00] 14.50
3001-5000 lbs.	[34.00] 29.00
5001-8000 lbs.	[46.00] 41.00
8001-up	[.90] .75 per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be [~~\$-.90~~] \$.75 per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds—\$24, for any additional weight above 16,000 pounds—\$.74 per hundred weight.

(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes—\$24. (In the event that a farm truck registered under the \$24 fee as provided in

this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle – [~~\$25~~] **\$20**.

396 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, VII(b) to read as follows:

(b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter – [~~\$25~~] **\$17.50**.

397 Department of Safety; Motor Vehicle Registration Fees Decreased. Amend RSA 261:141, III(g)-(o) to read as follows:

(g)(1) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	\$31.20	(\$2.60 per month)	(plus a [\$20] \$10 surcharge)
3001-5000 lbs.	\$43.20	(\$3.60 per month)	(plus a [\$20] \$10 surcharge)
5001-8000 lbs.	\$55.20	(\$4.60 per month)	(plus a [\$30] \$15 surcharge)
8001-10,000 lbs.	.96 per hundred lbs. gross weight		(plus a [\$30] \$15 surcharge)
10,001-26,000 lbs.	.96 per hundred lbs. gross weight		(plus a [\$35] \$17.50 surcharge)
26,001-73,280 lbs.	.96 per hundred lbs. gross weight		(plus a [\$50] \$25 surcharge).

(2) Any surcharge under subparagraph (1) shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds gross weight plus a [~~\$50~~] **\$25** surcharge, over 73,280 pounds—\$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds. Any surcharge shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(i) Each additional semi-trailer used in conjunction with such truck-tractor—\$24.00.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

0-1000 lbs.	\$[5.50] 4.25
1001-1500 lbs.	[8.50] 7.25
1501-3000 lbs.	[14.50] 13.25
3001-5000 lbs.	[29.00] 26.50
5001-8000 lbs.	[41.00] 38.50
8001-up	[.75] .675 per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be [~~\$-.75~~] **\$.675** per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds—\$24, for any additional weight above 16,000 pounds—\$.74 per hundred weight.

(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes—\$24. (In the event that a farm truck registered under the \$24 fee as provided in this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle — [~~\$20~~] **\$17.50**.

398 Fee for Transfer of Motor Vehicle Registration. Amend RSA 261:141, VII(b) to read as follows:

(b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter — [~~\$17.50~~] **\$13.75**.

399 Elimination of Registration Fee Increases; Effective Date. Amend 2009, 144:301, IX to read as follows:

IX. Sections 247 and 248 of this act shall take effect July 1, [~~2011~~] **2013**.

400 Effective Date.

I. Sections 8, 11, 12, 14, 15, 34, 50-51, 90-91, 120-125, 181-187, 190-195, 341, and 347 of this act shall take effect upon its passage.

II. Sections 340, 342, 345, 351-376, and 378-381 of this act shall take effect 60 days after its passage.

III. Sections 69, 75, 84, 209, 223, 332, 333, 348, 377, and 399 of this act and paragraph I of section 220 of this act shall take effect June 30, 2011.

IV. Section 165 of this act shall take effect July 1, 2011 at 12:01 a.m.

V. Sections 29, 30, 33, 46, 170-171, 173-179, 188-189, and 287, and RSA 100-A:16, I(aa) as inserted by section 180 of this act shall take effect January 1, 2012.

VI. Sections 21, 343-344, 346, and 391 of this act shall take effect July 1, 2013.

VII. Sections 277-279 of this act shall take effect September 30, 2011.

VIII. Section 297 of this act shall take effect July 1, 2014.

IX. Sections 299 and 300 of this act shall take effect as provided in section 304 of this act.

X. Section 221 of this act shall take effect as provided in section 222 of this act.

XI. Section 172 of this act shall take effect July 1, 2016.

XII. Sections 330-331 of this act shall take effect July 15, 2011.

XIII. Sections 224 and 397-398 of this act shall take effect July 1, 2012.

XIV. The remainder of this act shall take effect July 1, 2011.

2011-2257s

AMENDED ANALYSIS

Amend the analysis by inserting the following new paragraph:

148. Delays the elimination of the motor vehicle registration surcharge from July 1, 2011 to July 1, 2013 and decreases the amount of the surcharge in each fiscal year.

SENATOR PRESCOTT: Thank you, Mister President. This amendment will reduce the motor vehicle registration surcharge to \$20 in fiscal year

2012, \$10 in fiscal year 2013, and eliminate it completely on July 1st of 2013. Over the biennium, this phase-out will provide \$5 million to the cities and towns in betterment aid that can be used for needed road and bridge improvements. The amendment will shore up the highway fund with an additional \$13 million, which will be key as we prepare to begin discussions regarding the 10-year plan. And finally, the additional revenues will free up \$22 million in general funding dollars that can be used to fund some of the most pressing outstanding budgetary issues such as uncompensated care for hospitals and higher education. As many of you know, I grew up in Exeter, and the Exeter Hospital there is the place where my brother was born, my sister was born – and I was born in Florida, on vacation, and I haven't stopped working since. And, I'm working today for my district. I really have a compassion for the people at home. And, the reductions currently projected for uncompensated care reimbursements will have a huge impact on the services my hospital provides. I know that many of you have hospitals in your areas, and the people they serve need them to be there. And, the role the hospitals play in the region's economy is very vital to jobs, one of the things that we always talk about here. This amendment will allow the committee – meaning the Committee on Finance or the Committee on Fiscal, or whoever – to be able to restore portions of that much-needed spending, not only for the hospital in my district, but for hospitals around our state. And, I look at a person for higher education who graduates, he gets a job, he buys a car, he gets his insurance, he rents an apartment; he might even buy a home from HUD, because it's a great opportunity. And, without a higher education, the economy is going to have a tough time getting rolling again. So, higher education is important. And, I've just highlighted those two items: uncompensated care, higher education, our community college systems – this is why I'm bringing this amendment forward. It's going to be raised that, you know, Russell Prescott is bringing a plan forward to raise funds, and in the *Exeter Newsletter* it said: "Prescott plan to raise funds is scuttled." I hope today it doesn't happen. However, this happened last week when I brought it before the Finance Committee; it was scuttled. There's a phrase at the end of this by the Honorable Senator Lou D'Allesandro from Manchester: He supported Prescott's amendment. Thank you very much, Senator D'Allesandro. And, he says: "It will be brought up again." You were right! I'm looking forward to a reasonable, responsible budget, because we have the obligations at home. We ran to cut taxes, we ran to create jobs, we also ran to maintain the needs of our state. And, you could say that higher education isn't one of the neediest things in our state, but it is a need. And, there's opportunity here to phase out our surcharge on the registration of our cars, keeping our promises of cutting taxes, and an opportunity to bolster up the highway fund, taking care of our needs of our state is the safety of our roads, an opportunity to bring \$5 million to our towns so that they can use it to make our roads safer and bridges safer. The other opportunity is, the highway fund, by the Constitution, can fund the Department of Safety. And, we can free up \$22 million out of the general fund to take care of those neediest things in our state. Our Finance Committee and this Senate have worked so hard on the budget; unfortunately, we can do more. There has to come a line somewhere, and I've kind of said that we need to look at what the people have sent us here to do: take care of the needs of our state and also cut taxes and create an environment that builds jobs. As I said before, you graduate from college, get a job, you buy a car, you get

insurance, you can even buy a house if you have a good job, and higher education is very, very important for this state and the success of our future. I am almost pleading with this Senate to say this is reasonable, this is responsible; this is something that when you go to the pump to fill up your gas and you spend \$100, this is \$20 once a year. I know it's more money out of our economy, but it's going back to our economy, and it's going to take care of the healthcare systems in our towns, through our hospitals, and it's going to take care of higher education and free up those funds to do it. I'm looking forward to a little bit of a debate here. If you guys would, you know, give me the opportunity to respond to anything that you have for questions about this, I would appreciate the opportunity to make this pass, because it's the right thing to do. I'm doing it because that's how I ran for office and that's how I'm going to go back to my district and say: "I've come up here to fight for you." And, I hope that you would agree with me and pass this amendment. Thank you very much, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Prescott.)

SENATOR LARSEN: Senator Prescott, I agree with you that it makes sense to put money back to our cities and towns to be able to do betterment projects, to put monies into the highway fund and offset some of the funds that we used from general funds that are currently being used in the Department of Safety, to free those up. What I don't get out of your amendment is, you had mentioned you wanted to help the university or some of the other programs, but I don't see that in your amendment. Am I missing something?

SENATOR PRESCOTT: It would give it discretion, to...whether it's in the Fiscal Committee or the Finance Committee, or in the committee of conference's decision-making in the next couple of weeks, to use the \$22 million that is freed up because the general fund is no longer funding the Department of Safety. That is how it would happen.

SENATOR LARSEN: Thanks. So, it could happen in conference committee...probably would be the next step, if we were to agree to these added funds...adding these funds back in?

SENATOR PRESCOTT: That is correct.

SENATOR LARSEN: Thank you.

SENATOR PRESCOTT: And, I also believe, Senator, that in an open dialogue, on the Senate floor, is the place where we discuss this type of change in the budget. As you recall, people may be upset that the surcharge has gone up in the past; maybe it was because we weren't having a nice open dialogue in the light of day, saying: "This is what we would like to do." And, that way, people are prepared for it; they understand what is going to be funded for, and they know that it's going to go to the highway fund, they know it's going to go to the general fund, as well as back to their hometowns for the needs of our state. So, thank you very much for the question.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Well, I don't think I'm going to give my 6-a speech again. But, it is in violation of Article 6-a. So, instead, I'm going to give you my analogy to heartworm disease. It starts out as a mosquito bite. It goes through a series of molts, which this will do. And, it ends up as a large, bloodsucking worm in the right pulmonary artery, obstructing

blood flow to the lungs and eventually killing the host. And, that's what this is going to do; this is the bloodsucking worm that is going to stop funds going into the highway; we're not going to have an infrastructure, structure, we're not going to have roads or bridges; I say kill the mosquito now!

(The Chair recognized Sen. White.)

SENATOR WHITE: I couldn't top that if I had the rest of the day. But, I will say this: Like Senator Prescott, I ran on something, too. He talks about phasing out this tax; the phase-out that I ran on was the thing phases out on June 30th. I guess the lesson I'm going to take here is that once a tax is on the books, even if there's a sunset in it, the sunset turns into either Antarctica or Alaska, and it goes on forever. It's time to let go of this money. This thing was wrong, as Senator Luther testified earlier in the day; it seems like it was hours ago. A lot of noise about this when I campaigned. And, this Senator is going to make sure that this tax goes away on June 30th, right on schedule.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Prescott for a parliamentary inquiry.)

SENATOR PRESCOTT: If I believe that the highway fund was going to be increased by \$17 million, would I not vote for this amendment?

PRESIDENT BRAGDON: If you are in favor of the amendment, you'll be voting "yes"; if you oppose the amendment, you'll be voting "no".

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Boutin.

The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill, Prescott, Stiles.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Bragdon.

Yeas: 7 - Nays: 17

Failed.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Boutin, Dist. 16

Sen. Forrester, Dist. 2

Sen. Rausch, Dist. 19

Sen. Forsythe, Dist. 4

Sen. Stiles, Dist. 24

Sen. DeBlois, Dist. 18

June 1, 2011

2011-2260s

10/03

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 394 the following and renumbering the original sections and effective dates accordingly:

395 Retirement System; Political Subdivision Costs; Expenditure Authorized. On or before August 30, 2012, the state treasurer upon approval of the fiscal committee of the general court may expend funds on a one-time basis in the fiscal year ending June 30, 2013 should retirement reforms

not produce savings in the fiscal year ending June 30, 2012 that match a 25 percent state contribution towards retirement costs for political subdivisions in the fiscal year ending June 30, 2012. Said amounts shall be distributed to political subdivisions, and may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

2011-2260s

AMENDED ANALYSIS

Amend the analysis by inserting after paragraph 147 the following new paragraph:

148. Requires distributions to political subdivisions if specified retirement system savings are not realized.

SENATOR BRADLEY: All right. Thank you, Mister President. I've got to do my duty, and I apologize for breaking the rules. David Ortiz just hit a homerun; it's now 4-4. And, our mission today should be to take that tie off Senator Barnes. That's the misery tie when the Red Sox lose, but it's tied 4-4 right now.

Let me briefly describe this amendment with several other cosponsors, and really credit Senator Boutin for bringing this issue to the Finance Committee and to all of us as Senators. This amendment makes it very clear that if the retirement reforms are such that they don't match the 25 percent aid that cities and towns expected, that the Treasurer may, on the approval of the Fiscal Committee – so, it is discretionary, and given the discussion that we had today about the so-called “surplus”, it should stay discretionary – may make a contribution to the cities and towns to make up the difference for any shortfall in that account. So, that's what this amendment does. It keeps our promise to property taxpayers over and above anything else, that as a result of what we're doing here, both in Senate Bill 3 and in House Bill 2, that rates for retirement... We'll do everything we possibly can to ensure that they do not go up, and in fact they should come down.

It is important to adopt this amendment today, quite frankly, to send a pretty strong signal from this body to our friends on the other side of the wall that we're serious about passing Senate Bill 3. The games that are being played by our friends on the other side of the aisle... Enough is enough; pass Senate Bill 3. This will help us send a strong signal that it's time to do so.

(The Chair recognized Sen. White for a question of Sen. Bradley.)

SENATOR WHITE: Senator Bradley, part of the reason you brought this amendment, as I understand it, is, do you think we're in danger of perhaps not being able to come to a conclusion on Senate Bill 3 with the House?

SENATOR BRADLEY: Well, thank you for the question. The landscape keeps changing in every meeting of the committee of conference, unfortunately. And, some issues that are of ancillary concern, I think, in particular part-time employees and a so-called “spiking formula”, seem to have created a bee in the bonnet of certain House members, and we just haven't been able to resolve them. And, I am increasingly concerned that heels are getting dug in by our friends in the House and that we need an amendment like this with the balance of Senate Bill 3 that is in House Bill 2, including two of the provisions that the House insisted on: the higher employee contribution rates for Group II members as well as changes to the special account that would move that money into the balance of what's known as the

corpus. We have made every effort to try to blend a position that is in the best public interest to everybody involved, and yet it seems that we're having difficulty.

(The Chair recognized Sen. White for a follow-up question of Sen. Bradley.)

SENATOR WHITE: Was it not part of the House's plan to keep the towns whole, you know, with the 25 percent that the Governor had removed back in February during his Budget Address, was it not part of the House's plan that either SB 3 or its companion, the House's 580, had to pass in order to accomplish this lack of downshifting, and if we lose that bill in conference, are we in trouble with what they intended?

SENATOR BRADLEY: Yeah, we would be in trouble with what the House intent has been.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I rise in favor of this amendment. This does keep one of my promises, taking care of the needs of our state, not downshifting the costs of the retirement system, which all that does is just increase our property taxes in the towns where I live. I know that this amendment is the last moment and the last minute, but I understand the urgency of just being able to work on our feet in a time when we need to take care of the needs of our state. This was never talked about in a public hearing; this wasn't talked about in a time when we could have enough time to make a decision slowly. However, based upon commitments I've made to the people at home and the people that I've talked to over and over and over again about SB 3 and the retirement, I don't think I've worked harder at home on any subject other than retirement reform. And, this amendment is going to keep whole the people at home in terms of a tax problem when they get their tax bills on their property. If we don't pass this, then I think that we've dug too deep a hole in the trials that we are trying to get done, trying to pass, legitimate reform for our retirees, because we need to make sure we shore up our retirement system, and without making sure that the people at home are understanding it's not going to impact their property taxes, I think we've really hurt our chances of getting retirement reform completed. These are the promises I've made at home; I've been in meetings with Troopers, fire, police, and also the unions at home. I believe this is the right thing to do. And, like I said, this is probably what I've worked hardest on and one of the greatest commitments I've made to my district is this amendment. And, it is quick; it's fast. But, it needs to be done, and I'm going to be prepared to vote for it, as I was prepared to vote for my last amendment, to keep my promises to my district. Thank you very much, Mister President.

(The Chair recognized Sen. Houde for a question of Sen. Bradley.)

SENATOR HOUDE: Thank you, Senator. Thank you, Mister President. Thank you, Senator Bradley, for taking the question. I understand the point that's being made with respect to, in part, negotiating with the members across the hall. But, we heard a lot today, earlier, about the fact that 2011 isn't balanced yet; we've heard some concern that all of the funds that might exist in the rainy day fund at the end of 2013 would be going to the uncompensated care allocations. And, so I'm just curious where this fits into the priority list of things should there be any money that exists in 2013.

SENATOR BRADLEY: Very good question. Clearly, on line 5 of the amendment, the word, "may" is used, not "should" or "shall". We've had

debates about “may”, “should”, and “shall” quite a few times this session. It doesn’t set a priority. What it does is authorize the possible expenditure of funds should it materialize. In my view, if we pass Senate Bill 3 with the current understanding – especially that we have accepted the House position on employee contribution rates – that we’re going to have kept our commitment to the cities and towns. So, to a certain extent, this is belts and suspenders. The reason why it says “may” and not “shall” is that, similar to all the other conversations we’ve been having this morning about the rainy day fund, about the possible \$35 million, about fiscal year ’11 not being balanced, it should stay as “may”.

SENATOR HOUDE: Thank you, Senator.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you. This is somewhat of a “Sophie’s Choice”, because I was on city council for eight years, and I know, and came here with the express intent of keeping property taxes low. But, the more I’ve thought about this amendment, the more I see problems with it that may in fact lock us into long-term problems. We have been spending the past few months trying to offset employer cost increases. But, what about employee cost increases that we are forcing on our employees? But, the real issue, too, is if you’re going to set priorities for what you spend money on, would this be what you want to spend your money on? If we come upon a scenario – say an injunction ties up Senate Bill 3 and all those savings that the budget incorporates. Then we use all of our rainy day funds to offset and send it back to cities and towns. My priorities might be, at the end of that time, to look at the DD waitlist and see what there are families waiting, or look at the university and say: “We’ve seen your costs go up and tuition so dramatically”; to look at the CHINS situation and see children who are not being served, or look at our adoption problems, or Alzheimer’s care, our women’s healthcare, our uncompensated care. If we put this language in, I am concerned that it could mean there would be a lot of pressure to put all of what could be excess funds into offsetting employer cost increases while not addressing the most serious needs. So, I was tempted by this, but I think I cannot support it. Thank you.

(The Chair recognized Sen. White for a question of Sen. Bradley.)

SENATOR WHITE: In an effort to get Senator Larsen on board with this, could we perhaps answer this question and maybe alleviate her concerns: Is there anything in this bill that would prevent the conversation that she just mentioned, that we would have about priorities, about the DD waitlist, about uncompensated care, all the things we’ve discussed... Since she used the word “may”, wouldn’t we be able to have that conversation; isn’t this just enabling legislation?

SENATOR BRADLEY: Yes, I believe you’re correct, Senator White. And, quite frankly, in the absence of this authorization to be able to consider making this expenditure, it would not happen. So, this allows us to consider it in the future.

Recess. Out of recess.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I just wanted to clarify, as a result of the questions that we’ve had, what my concern is with this amendment is not that we would be making a provision – even a permissive provision – for giving funds back to taxpayers; who wouldn’t support that? It’s that it does so, apparently, at the exclusion of the other

options that we talked about today, such as uncompensated care, and other things that I'd like to show equally reflected as a priority. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I think there are two things that concern me about this amendment. First of all, I think the Senate, in its position, and through its Chair of its Finance Committee, has said: "This is what will happen to funds at the end of the biennium." And, he specifically laid out a plan. This does two things that concern me. First of all, the permissive language, and secondly, we as legislators have always complained that in the absence of the legislative body, we give ten people the right to make key decisions with regard to the State of New Hampshire. That complaint has been heard over and over again. Here we are saying, not only make a decision, we're saying: "You may make this decision, and this decision would specifically do this." I think that's inconsistent with good policy at this point. We've had a committee that's worked diligently to put a budget together. We've had sentiments expressed as to what would happen to the revenue stabilization account if and when the revenue stabilization account occurs. I think this is contrary to that mission and contrary to the work that has been done. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Boutin, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Mister President, I don't think they need an introduction; we thanked them earlier, but they were probably too busy still working on everything that everyone here has asked them to do. But, this is the Legislative Business Office, and we – they've done an incredible job in supporting you as Senators and supporting the Senate Finance Committee during this most difficult time. The reality is, many of us stayed here 'til 8 or 9:00 last night just to work out that last issue that we debated. And, I can tell you, I honestly believe our budget is balanced before we drafted that amendment, and that that amendment only supports the Senate's position on retirement, which we asked the House to get done by the time we finished this budget. And, we've done other prudent things in here, and I think that was prudent. And, LBA worked with us last night to make sure that was done, and other people stayed 'til almost midnight to make sure things were done. So, I want to thank Jeff and his staff for an incredible job. It's not going to be any easier in the month of June, I can tell you; we're already hearing rumblings. But, we appreciate everything you've done for us, truly. Thank you.

PRESIDENT BRAGDON: Thank you all very much.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20
Sen. Morse, Dist. 22
June 1, 2011
2011-2268s
01/04

Floor Amendment to HB 2-FN-A-LOCAL

Amend the bill by inserting after section 394 the following and renumbering the original section 395 to read as 396:

395 Department of Health and Human Services, Division of Community Based Care Services, Bureau of Behavioral Health, Services in Region 6. The department of health and human services shall contract with the community mental health provider designated under He-M 426.04 to provide all Medicaid services to Medicaid-eligible persons with severe mental illness and severe and persistent mental illness in region 6, for all such persons that the community mental health provider provides residential support services to, as of July 1, 2011. The sum of \$1,650,000 shall be allocated from accounting unit 05.95.92.920010.7010 (general funds) for the fiscal year ending June 30, 2012 for this contract.

2011-2268s

AMENDED ANALYSIS

Requires the department of health and human services to contract with a certain provider to provide Medicaid services to Medicaid-eligible persons with severe mental illness in region 6 and allocates moneys for the fiscal year ending June 30, 2012 for such contract.

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise as a cosponsor along with Senator Morse of Amendment 2268. While it's being passed out, let me say that we have labored over this particular situation, really from the beginning of the budget process. And, we were told repeatedly that this situation was taken care of a number of times. Through the process, we eliminated section 31 of House Bill 2, which would have, in essence, crippled Harbor Homes. It was eliminated. And, again, our premise was, in eliminating that section, we would be taking care of Harbor Homes. I've talked with the Chair of Finance about this on numerous occasions; we've come up with a solution to this situation; that solution is before you in this amendment: Amendment 2268s. This amendment does not ask for any new money. It takes appropriated money and moves it in the proper direction. Harbor Homes was established in 1980. Harbor Homes has been providing services for homeless, for people in need of Medicare services, for people who have severe mental problems. It has been providing this service from 1980 to the present day. It specifically addresses veterans. It has two such establishments within the confines of Harbor Homes that caters to veterans. And, I think it's very important that we recognize that because of the serious problems veterans have on returning from Iraq, from Afghanistan, and from other posts around the world. We know those problems are severe; Harbor Homes deals with those problems. They have been dealing with them; they have been using HUD to get Section 8 vouchers; they have been using Medicaid to combine with this to make this program work. As a result of that, people are being served; they're being served well. They're recognized by HUD as doing outstanding work; they're recognized in the community for doing outstanding work, and without this amendment, that could be jeopardized. Now, my two colleagues from the Nashua area, I'm sure, are aware of Harbor Homes, aware of the

service that's being done, and what would happen – the catastrophic events that would happen if indeed we didn't take care of this. So, I have to be especially, especially thankful to my colleague, Senator Morse, for working with me, and, I must say, working tirelessly, because as I said, there were times when we said it was done, it was done, it was done, and it wasn't done. So, this makes it done, and it takes care of a situation that needed taking care of. I ask you to support this amendment and move it forward. Thank you, Mister President.

(The Chair recognized Sen. Luther for a question of Sen. D'Allesandro.)

SENATOR LUTHER: Senator, I've met with them at Harbor Homes; they do great work. Can you explain to me – I'm looking at the language here; I'm trying to understand where this money exactly is coming from.

SENATOR D'ALLESANDRO: Thank you for the question, Senator Luther. We have appropriated monies in that particular account that's been funded – that's all that says, that that money goes in the proper direction and is matched with Medicaid so that these services can continue to be rendered. But, the money's already appropriated; there's no new money here.

SENATOR LUTHER: Okay.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Yeah, and I want to make that perfectly clear; there's no new money. But, I think what happened in the Senate – you know, we're pretty honorable people here, and we were challenged to the fact that when we met on a Thursday with the public, over a month-and-a-half ago now, we were told that Harbor Homes was going to be in the budget; they did the best job of coming and speaking. We did not lobby for one group at all in this budget; we sent them all to the Department. But, when I talked to the lobbyists, I told them that I was told both by the Department and by other authorities in this building that this group was going to live on. Then, about a week ago, the Senate was faced with the fact that nothing was done, and it all of the sudden became a Senate problem with an appropriation, which wasn't going to happen, because the budget was closed. So, what the Senate did was they struck some lines from the budget that allowed the Department to eliminate this group, and now, what Senator D'Allesandro has worked with me on is changing some of the funding for the next year. We're not interrupting managed care, which kicks into gear next year in July; this brings them to that point. I would hope they can work their issues out between now and then. I would have hoped they could have worked their issues out before this, but we've all received letters in Senate Finance in the last day from federal sources telling us that they haven't worked their issues out. So, this is our way of making it happen. So, I think Senator D'Allesandro has done a great job of bringing this forward, and I support this totally.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Barnes, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. As we wrap up this budget process, it's probably good, again, to look at the good, the bad, and the ugly. This House Bill 2 – I was spending some time trying to find the good. I guess my happiest moment's when I come upon that we adequately fund education and keep our education funding fairly level. It's good that we fund kindergarten and found a way to continue that process so that we keep our obligations to educating our youngest to succeed in school.

It was easier to find the bad and the ugly. The bill repeals juvenile prevention and incentive grants, it eliminates alcohol abuse prevention and treatment funds set aside from liquor revenues, the retirement special account is fully emptied in order to offset employer responsibilities. Now, by emptying the special account, that means in fact that there will no longer be cost of living increases to any retiree, particularly those elderly teachers who have needed those cost of living increases. And, the thought that we will somehow put general funds into a cost of living increase is pretty slim these days. We've certainly debated Cannon Mountain and the lease; that's in House Bill 2, as well. We've increased medical costs for retirees and required them to pay in more. Now, these are the same retirees who are not going to have any cost of living increases. I received one accounting from a retiree in Portsmouth who's showed with just a certain percentage of cost increases annually their retirement costs are going to increase, but they won't have an accommodating cost of living increase to help offset those costs.

Some of the ugliest things: the suspending of funding for the DD waitlist, raising the health insurance costs for employers by taking uncompensated care funds and using them for general funds. The bill leaves 800 children and families with no HealthyKids insurance, even though they're willing to pay 100 percent of the cost. The bill still leaves a number of kids under the CHINS program, and the bill suspends family support services, Alzheimer's funding, congregate housing, RSVP program for retired senior volunteers, and the foster grandparents. That's just a list of some of the reasons why House Bill 2 is not one which I can support, and I think the bad outweighs the good. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Yes, thank you, Mister President. Well, I know we may – and, I just want to make a quick comment on HB 1 and 2. I know this is – we sort of already did HB 1. But, we may disagree on some issues, but I think on unbalance, this is the most severe downturn in the economy that we have had since the Great Depression. And, as a freshman, I look at the amazing work that was done in the Finance Committee, where our Governor zeroed out developmental disability and Finance was able to put millions of dollars back into that, basically helped the most vulnerable people in the population. And, I sit in incredible respect and regard for what the Chairman of the Finance Committee has done and the Finance Committee as a whole, and I just want to applaud them for the amazing work that they've done.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I think that there are a couple of things that we should note that speak to the Senate as a body, and the quality of the Senate, and the reason why I as a public servant can say to you: "I'm doing what I love, and I'm loving what I do." Now, I don't agree with everything that was done. But, let me tell you the one thing that makes me feel good about being a New Hampshire State Senator. When people heard the public hearing on our budget, people came up to the Chair and they came up to me and they said: a) "We were treated with courtesy; that didn't happen to us on the other side. You were courteous to us, you listened to us, and you let everybody speak." We extended the afternoon session and we extended the evening session so that everybody had a chance to speak. I mentioned Roberta was there. Roberta's at every budget hearing that I have ever been at, and I've been around here a long time. Roberta was one of the last people released from the Laconia State School. Roberta has a little part-time job here in the City of Concord. But, Roberta comes, and we listen to Roberta. And, we listen to a woman who was cast away – who was thrown away. And, that's how we used to treat these problems: We'd ignore them and hide them. But, we didn't do that. Roberta got to speak. And, she's very proud of the fact that she gets to speak, and she gets to express her concerns. That only happens in the New Hampshire State Senate. That's the wonderful thing about the process. We try to help people. Do we do enough? Some people will say yes, other people will say no. The fact that we listened is the key. Changes were made; that's the second important ingredient. What's left undone is the challenge that all of us must face as we leave this body, as we go back to our districts, as we go back to our homes. What undone can be done as we move forward? And, that's the challenge that we all face. But, they key word as we leave here having disagreed, but not being disagreeable. We live to fight another day, we respect one another, and we give people the opportunity to express their concerns. That's the purpose of democracy; it's the purpose of a legislative body. It's why we're here. It happens every two years; this, a very, very difficult period. But, let me say that we did it; the process is not over, but the respect that we paid to the people of the state is fundamental, and when people walk out of here, whether you're for it or against it, the most important thing is that I've been heard; my voice has been heard, and I recognize that one voice can make a difference. It can make a difference in our lives and in the lives of the people we serve. This goes on to the next step; the next step will again be brought back to us. But, I say this without one moment's hesitation: The courtesy extended by this body to the people who testified before this body is exemplary of how the democratic process works. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I'm only going to speak for a moment. I just want to sum up: I am not going to be able to support HB 2; I'm going to oppose it. I believe that a budget – any budget: a business budget, a nonprofit business budget, a family budget – all of those that I've certainly put together in my lifetime – reflect our goals and our values and our purposes. I also believe that the State budget needs to do the same; it needs to reflect what I believe is most important to the people of New Hampshire, and I believe that jobs and growing the economy is the priority. The cuts to the university system and the community college are not, in my mind, nor do I see them, as pro-business, and I see them as having a negative effect and impact on our economy

and on job creation. I've always believed that the purpose of government was to provide the tools and the resources so that individuals can take care of themselves, each other, and their communities, and I believe that education and training is that resource. As well, I am concerned about meeting the needs of those who look to us for assistance in order to live a life of dignity and respect and need government's assistance to do that. Senator Morse has correctly stated on a number of occasions that numbers do not lie, and he's right, because those numbers are real. I think he would also agree, and just as important, that there are people behind those numbers, and they are real. We are in this economic recession not because of a history of state spending and not because we have not produced in the past a disciplined State budget, but because of a national recession. And, we can debate the cause of this recession, but we cannot debate the fact that the mentally ill, the disabled, our educators, our firefighters, and our police officers did not cause this recession. Yet, I see this budget, as proposed, asking them to make too many sacrifices to balance the budget. And, for these reasons, I cannot support HB 2. Thank you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. Today, I am fulfilling, in voting for this budget, a promise that I made to my constituents back home, in promising that we would live within our means. And, the examples that I used during the time I was running for office and that many of my constituents reiterated to me was that New Hampshire citizens have to live within their budget. Some make more money than others, but all have to live within their budgets. And, on a home budget basis, my wife and I have seven children, we've had times where we had to cut back on what we thought were essential needs: We homeschooled our children. We liked to budget about 5 to \$600 dollars a year to educate four to five homeschoolers at a time. Big budget, but we managed it somehow. There were times when we couldn't spend that much; we had to cut back. And, my wife would go to the library and pick up books or do other things; she'd borrow them from friends. We had to cut back. In the last two years, in our business – I have a small business, and it's in construction, and I think everybody knows that construction is tough. A year ago, we had a 15 percent across the board pay cut, and myself, personally, a 50 percent pay cut. I'm not complaining; we went into the business knowing it was a risk. But, we had to take and make the appropriate cut at the time. And, with confidence, I believe that times will turn and things will get better. But, we had to live within a budget. I'm very proud of what we're doing today as a Senate; we promised our constituents that we would live within the budget and not pass our desire to spend more to the citizens that we serve, and we're keeping that promise, and I'm proud of you guys. Thank you very much.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

ANNOUNCEMENTS

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: We have thanked an awful lot of people this afternoon: staff that helped Senator Morse prepare the budget, the LBA. I think on the hottest day of the year, we deserve to thank all the remaining staff that we haven't thanked, a great deal of thanks to our two Pages who are here today, wonderful Clerk's staff, the fourth estate, our Sergeant-At-Arms, our Doorkeeper, and all our friends in the gallery! Thank you very much for all your hard work today.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I don't know if this is a Rule 44, Rule 2-17...I don't know whether it's in order or out of order. But, I would like to ask the President if we could have the remarks of Senator D'Allesandro printed in the permanent journal.

(The Chair recognized Sen. Barnes for a question of Sen. Bradley.)

SENATOR BARNES: What's the score?

SENATOR BRADLEY: Well, we passed the budget, Jack, but we're losing 5-4 in the top of the ninth. But, there's always hope. J.D. Drew will be up in the bottom of the ninth.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

COMMERCE

HB 276-FN, relative to wine manufacturers. Ought to Pass, Vote 4-0. Senator Prescott for the committee.

SENATOR PRESCOTT: Thank you, Mister President. I move House Bill 276-FN Ought to Pass. This will permit wine manufacturers to sell wine at annual fairs or similar events. It also will eliminate the requirement that wine provided as samples by a wine manufacturer be purchased from the liquor commission.

The Committee received no testimony in opposition to the underlying bill. HB 276 was Recommitted to committee a couple weeks ago so that we could hold a public hearing on Amendment 1888s, which would have established an auction permit, allowing the permit-holder to ship wine sold at auction into the state. The Committee was split on the last-minute amendment due to concerns that it could include unintended consequences. The Committee suggests that stakeholders introduce the amendment as a stand-alone bill next session so that it can get a full vetting by the Legislature.

Please join the unanimous Commerce Committee and vote Ought to Pass on House Bill 276-FN before it went back to committee. Thank you very much, Mister President.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20
June 1, 2011
2011-2254s
06/05

Floor Amendment to HB 276-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to wine manufacturers and relative to auction houses.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Section; Auction Permit. Amend RSA 178 by inserting after section 17-a the following new section:

178:17-b Auction House.

I. The commission may issue a permit to any person authorized as an auction house in this state or any person currently licensed in its state of domicile as a public auction house. The holder of any permit under this section shall be authorized to auction wine to individuals and licensees. Auction shipment applicants shall be subject to all requirements under RSA 178:3.

II. An auction permit holder may ship directly to New Hampshire consumers over 21 years of age in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments shall be made by a licensed carrier or other carrier approved by the commission, and such carriers are required to obtain an adult signature. Any shipments made to a person less than 21 years of age, shall be guilty of a class B felony and shall have such permit revoked. No auction houses or carriers shall ship into any New Hampshire city or town where alcoholic beverages are not lawfully sold or prohibit direct shipments of wine.

III. No auction house shall ship any wine to a New Hampshire resident that is currently approved for sale within the state of New Hampshire. No licensee shall purchase or sell wine at an auction house without first obtaining written approval from the commission.

IV. Except with written permission from the commission, no auction house shall ship not more than 12, 9-liter cases or equivalent of wine to any one New Hampshire consumer in any calendar year.

V. For the purpose of this section, an in state auction house may obtain wine to be auctioned from within or outside of New Hampshire. All wine shall be shipped directly to or delivered to the auction house for auction.

VI. In addition, auction houses shall pay a fee of 8 percent of the auction hammer price of the wine shipped to any one New Hampshire consumer not to exceed \$400.

VII. Auction houses shall file a report on or before the tenth day of each month in which a shipment was made and pay the additional fees provided in section VI, covering all shipments by the auction house made during the preceding calendar month. Such reports shall be made in a manner and form required by the New Hampshire liquor commission division of enforcement and licensing. Shipping records shall be maintained for at least 3 years by the auction house.

VIII. The New Hampshire liquor commission may assess a \$250 penalty for failure to report to the commission any shipment.

IX Upon notification by authorities in another state which imposes a reciprocal enforcement policy, a New Hampshire permit holder making illegal direct shipments to consumers in said state shall be subject to action by the liquor commission.

2011-2254s

AMENDED ANALYSIS

This bill:

I. Permits wine manufacturers to sell wine at annual fairs or similar events.

II. Eliminates the requirement that wine provided as samples by a wine manufacturer be purchased from the liquor commission.

III. Establishes an auction house permit.

SENATOR D'ALLESANDRO: Thank you, Mister President. Amendment 2254s – I want to be brief with regard to this amendment. It's actually a revenue producer. It was supported by the wine industry, supported by the liquor commission, and supported by everybody who came and testified for it. It's the same amendment that we had.

I have some comments here from the liquor commission. New Hampshire currently receives no known revenue whatsoever from wine sold at auctions throughout the country. This measure will permit New Hampshire to participate, regulate, and grow the wine auction market, while at the same time generating additional revenue. Only wines not available in New Hampshire can participate in the program, to introduce exclusive and collectible wines currently not available to the New Hampshire market. The fine wine and wine collectible market is one of the fastest-growing segments in the wine industry worldwide. New Hampshire is long known for its innovations; it has not participated in the prosperity and opportunities of this market. This proposed provision balances the need for appropriate enforcement and regulatory controls with a business-minded perspective to the marketing of finer and more exclusive wines. The proposed wine auction amendment would permit many of New Hampshire's finer restaurants and hotels who are seeking rare and fine wines to obtain them without a prohibitively high level of taxation or fees. As I said, everybody supported this amendment; it did get a hearing. I realize it came about late in the game, but a) it's a revenue producer; b) everybody supports it; c) it's good for New Hampshire, and at a time when we need good things, it seems to me we ought to move them forward. Anybody who's opposed to good things happening, I have a problem with. That, Mister President, is my sentiment on this amendment. Thank you.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President.

PRESIDENT BRAGDON: You may not be as rosy as Senator D'Allesandro was.

SENATOR SANBORN: Well, I'll never be as rosy as the good Senator, because he just has a gift of gab and a way with words. But, if my understanding is correct, as I read this, this is the exact same amendment which was not unanimous when it was in the Commerce Committee. We have significant fundamental problems with this amendment, which is why we voted it down in Commerce. By limiting the amount of taxation and revenue – although any revenue's better than no revenue, Senator; I completely agree with that – this cuts a special deal, which shouldn't be happening. It provides the ability for the liquor commission to begin holding auctions. As most of us believe in free markets, if the auction companies want to come to New Hampshire, they should come. But, I'm not sure it's yet another venture that our state liquor commission should be operating in. It was last-second then, it is last-second today. We have

firmly expressed what Senator Prescott has said, Senator White will say, and others, that virtually every paragraph of this amendment actually needs real work to make it good. And, we've asked that it be Re-referred and be returned to us next year, and we can look at it on its merits. But, as someone has said before, this is legislation that is before its time. Thank you very much.

(The Chair recognized Sen. White.)

SENATOR WHITE: Not everybody's for this, Senator D'Allesandro, because I rise in opposition, as well. I've got to tell you that this was the only time this year that I felt somewhat abused as a committee member. I don't mind coming up here in the snow, I don't mind coming up here in the heat, I don't mind coming up here in the rain. But, the fact of the matter is, this bill had been banging around in the House for a couple of months; it had been banging around in our committee for a couple of months. And then, when we were ready to bring it to the floor, on Tuesday night, in caucus, an amendment shows up. And so, the suggestion is: "Bring it back to the Committee." I was offended that we had to bring it back to the Committee. The time had come and gone. I hate to oppose a bill just on process alone, but just on that alone, it was inappropriate to have this, regardless of the merits, and then it did need some work on top of that. So, I am opposed, so there is at least one person in the State of New Hampshire who is opposed to this bill – I'm that guy – and I would ask you to not support this amendment.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. I, too, am opposed to this from a standpoint of revenue, fairness, and equality. There's a man sitting in a jail cell in New York State who was from New Hampshire – ran Tyco. And, what did he try to do? He tried to send a painting he bought for hundreds of thousands of dollars to New Hampshire because he wanted to escape the tax on sales in New York. And, what happened? That painting wasn't in that box that came to New Hampshire; the painting went to his fancy apartment. Remember the shower curtain at \$8,000? What this bill does is, I would have to go out and buy all my Cabot at \$9.99 for a 1.5 liter, get up to \$5,000 before I could escape the tax. But, somebody who's wealthy, or a fancy restaurant, can go out and buy a \$5,000 bottle of wine, and anything above it then becomes non-taxed. How can we tax some people, like me, struggling to buy my Cabot Pinot Grigio at \$9.95 per 1.5 liter, and we allow other people – and we're talking about raising money; we're only going to raise the money on under \$5,000 purchases and anything above that we won't tax. That's unfair, that's not right, that's not the New Hampshire way. Thank you, Mister President.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I rise in opposition to this, as well. It needs a lot of work, and we spent a lot of time on this in the Commerce Committee. This bill just isn't fair to investors. And, most of the time, when people are buying these wines at auction, they're for investment, they're not for drinking. When you spend \$10,000 for a bottle of wine, you don't have it for supper. I can't afford to have it for supper! But, I think that this should be Re-referred because it needs more work at this time.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Mister President. Mister President, thank you. We're a control state; we've been an control

state, really, since the Depression. So, we, the State of New Hampshire, are in charge of spirits and wine. We opened up wine to grocery stores a number of years ago and we allowed grocery stores to participate. We also had an antiquated law where you could only have one beer license; we changed that, too. We changed that so that you can have more than one beer license now; that's why we have Market Basket and De Moulas, because you could only have one license. So, they created two companies. That's pretty good business. Now we can have as many licenses as one wants. It seems to me that when we have said: a) we're a control state; b) we have liquor commissioners, and we ask them: "Do you support this legislation?" and they say: "Yes". What do we have them for? Why do we have a liquor commission if we are going to decide how to run the business? We're going to decide! We're not all entrepreneurs; we're not all liquor barons! But, we go to the liquor commission, and we say to the commissioners, we say to the head of enforcement: "Would you please tell us if you think this is the right thing to do?" And, they say: "Yes." And, we say: "Well, would you even go one step further; would you help us write the legislation, because you're going to have to enforce it?" And, they do that. Then it comes to us and we say it needs more work! Que caso? Where is the work going to come from? Where are the barons here? Where are the wine guys? Where are they? My basic training is in education; I was a teacher. I think I can help with education matters. But, I don't know any vineyard owners in here, and I don't know if we have connoisseurs of wine or not, but here's a situation where we can make some money for the State of New Hampshire. Why is it that we're all – it appears – we're against making money? When did making money become sinful? You know, when is it against common process – a common process called the entrepreneurial venture – to make money? And, we say to liquor: "We want more money! We want more profits!" We say that every year. We want more profits. We have made them an independent entity so that they can give us more profit. Is there anyone that wants to reject the profits? I don't know. But, I think – what I'm saying is, we're in a tough situation; here's a chance for us to make some money; it seems to me we ought to do it. The Commissioner's for it, enforcement is for it, the wine producers are for it. You know, I don't know; I haven't brought it up to my local priest, but I'll check with him. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Failed.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

EDUCATION

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Senate Education

May 24, 2011

2011-2162s

04/10

Amendment to HB 130

Amend the title of the bill by replacing it with the following:

AN ACT relative to accountability for the opportunity for an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

1 Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E:3-b to read as follows:

193-E:3-b Accountability for the Opportunity for an Adequate Education. Beginning with the 2009-2010 school year, a school shall demonstrate by the end of the school year that it provides the opportunity for an adequate education under RSA 193-E:2-a by meeting the requirements of ~~[paragraph I]~~ **subparagraphs I(a) and (b)** of this section. Beginning with the 2011-2012 school year, a school shall demonstrate, by the end of the school year, that it provides the opportunity for an adequate education by meeting the requirements of either paragraph I or II of this section. Following the adoption of the performance-based accountability system as provided in RSA 193-E:3-c and RSA 193-E:3-d, the department shall evaluate all schools using both the input-based school accountability system under ~~[paragraph I]~~ **subparagraphs I(a) and (b)** of this section and the performance-based accountability system under RSA 193-E:3-c and RSA 193-E:3-d. A school that satisfies the requirements of either ~~[system]~~ **paragraph I or II** shall be providing the opportunity for an adequate education.

I.(a) A school may demonstrate~~[, through the input-based school accountability system,]~~ that it provides the opportunity for an adequate education as set forth in RSA 193-E:2-a by establishing that it ~~[met]~~ **meets** the following **input-based school accountability** standards in effect as of the effective date of this section:

- ~~[(a)]~~ (1) English/language arts and reading as set forth in Ed 306.37.
- ~~[(b)]~~ (2) Mathematics as set forth in Ed 306.43.
- ~~[(c)]~~ (3) Science as set forth in Ed 306.45.
- ~~[(d)]~~ (4) Social studies as set forth in Ed 306.46.
- ~~[(e)]~~ (5) Arts education as set forth in Ed 306.31.
- ~~[(f)]~~ (6) World languages as set forth in Ed 306.48.
- ~~[(g)]~~ (7) Health education as set forth in Ed 306.40.
- ~~[(h)]~~ (8) Physical education as set forth in Ed 306.41.
- ~~[(i)]~~ (9) Technology education, and information and communication technologies as set forth in Ed 306.42 and Ed 306.47.
- ~~[(j)]~~ (10) School year as set forth in Ed 306.18.
- ~~[(k)]~~ (11) Minimum credits required for a high school diploma as set forth in Ed 306.27(f) and (m).

~~[H. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes:~~

~~III. In order to demonstrate that a school provides the opportunity for an adequate education through the input-based school accountability system under paragraph I:]~~

~~(b)(1)~~ The commissioner shall require school officials to submit a narrative explanation detailing how the school has complied with each of the standards included in the opportunity for an adequate education contained in ~~[paragraph I]~~ **subparagraph (a)**. The school principal and school district superintendent shall certify in writing that the responses submitted are accurate. The commissioner shall develop a form which conforms to the provisions of this paragraph.

(2) The commissioner shall review the responses to each school's self-assessment required under this section and shall verify that the responses comply with the standards included in the opportunity for an adequate education specified under ~~[paragraph F]~~ **subparagraph (a)**.

(3) Schools that successfully demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for any year beginning with the 2009-2010 school year shall be required by the commissioner to resubmit the narrative explanations at least once every 2 years.

(4) Schools that are unable to demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for the 2009-2010 school year, or for any year thereafter, shall be required by the commissioner to resubmit the narrative explanations annually until such demonstration has been made.

(5) The commissioner shall integrate, to the maximum extent practicable, the input-based school accountability system to demonstrate the opportunity for an adequate education with the school approval process pursuant to RSA 21-N:6, V.

(6) Beginning September 1, 2012, the department shall annually conduct site visits at 10 percent of schools statewide to assess the validity of the input-based school accountability system and to determine whether those schools demonstrate the opportunity for an adequate education by meeting the school standards identified in **this** paragraph [F]. To the extent feasible, the commissioner shall conduct these site visits together with other site visits conducted by the department for other purposes and programs. The commissioner may require more frequent site visits at schools which have been unable to demonstrate that they provide the opportunity for an adequate education. To the extent that the department conducts school site visits for other state and/or federal programs after the commencement of the 2009-2010 school year, but prior to September 1, 2012, the department shall, to the maximum extent practicable, endeavor to audit the input-based school accountability self-reporting completed by the visited school.

(c) A school that furnishes the commissioner with evidence that it has received full accreditation from the New England Association of Schools and Colleges (NEASC) shall be deemed to be in compliance with the provisions of subparagraphs (a) and (b). The school shall submit to the commissioner copies of documentation necessary during the school's accreditation process including, but not limited to, the accreditation self-study report, peer review reports, reports of any follow-up activities taken by the school in response to NEASC's recommendations for accreditation, and the annual school update report as required by NEASC each fall. In the fifth year of the 10-year accreditation, the school shall submit a progress report to the commissioner. A school accredited by NEASC shall meet or exceed NEASC's standards and shall use those standards to measure improvement.

II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.

2 Effective Date. This act shall take effect 60 days after its passage.

2011-2162s**AMENDED ANALYSIS**

This bill allows a school to demonstrate compliance with the input-based school accountability standards by furnishing evidence that it has received full accreditation from the New England Association of Schools and Colleges.

SENATOR KELLY: Thank you, Mister President. I move House Bill 130 Ought to Pass with Amendment. This legislation establishes an additional method of demonstrating that a school has provided the opportunity for an adequate education in accordance with the input system under RSA 193-E:3.

As amended, HB 130 clarifies that all schools will continue to participate in both the input accountability system and the performance-based system. However, if a school has received full accreditation from the New England Association of Schools and Colleges, that school will be in compliance with the input accountability system. As well, HB 130 as amended reorders the sequence of RSA 193-E for clarification of the process for demonstrating accountability for the opportunity for an adequate education.

Therefore, the Education Committee recommends that House Bill 130 Ought to Pass with Amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

President Bragdon ruled Amendment 2232s non-germane.

Sen. Larsen moved to suspend Rule 3-7 to allow for the introduction of non-germane Amendment 2232s to HB 130. Adopted by necessary 2/3 vote.

Recess. Out of recess.

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. Barnes, Dist. 17

May 31, 2011

2011-2232s

04/09

Floor Amendment to HB 130

Amend the title of the bill by replacing it with the following:

AN ACT relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 School District Election Dates. Amend RSA 671:2 to read as follows:

671:2 Election Dates. School district officers shall be elected either at the town meeting as provided in RSA 671:22-26 or at an annual meeting of the district held between the dates set forth in RSA 197:1. Notwithstanding any other provision of law, no election for school district officers shall be held in conjunction with the biennial election. The prohibition in this section against holding an election for school district officers in conjunction with the biennial election shall not apply to the election of the board of education members of the Concord union school district

as provided in 1961, 355 as amended by 1983, 123, *or any successor charter thereto*, or to the election of the Laconia board of education members as provided in section 9:01 of the city charter of Laconia as amended by 1975, 357.

2011-2232s

AMENDED ANALYSIS

This bill allows a school to demonstrate compliance with the input-based school accountability standards by furnishing evidence that it has received full accreditation from the New England Association of Schools and Colleges. The bill also extends an exception from the statutory school district election date requirements to any successor charter adopted by the Concord school district.

SENATOR LARSEN: I think most of you have seen this amendment, but it is one which is important for school board elections in Concord. The floor amendment will correct a cross reference error that resulted from the enactment of House Bill 1497 in the 2010 session. There was an attempt to find all references to the City of Concord school charter and to change those following a charter commission review of other issues. In essence, after the charter commission in Concord has been meeting for 11 public meetings, they submitted their report, which was a pretty much unanimous report to the Attorney General. And, the Attorney General found that there was a technical failure in the 2010 House Bill 1497 because it missed a reference to the City of Concord's charter. So, we need this assistance to be able to hold staggered three-year school board elections and to have the reference simply say that these staggered terms are offered to the Concord Union School District as provided in 1961 RSA 355, or any successor charter thereto. It was a drafting problem, a technical error, which I hope, and it sounds like there's some agreement that we can help repair this; we can help resolve the many, many public meetings held in the City of Concord as we attempt to return the school district charter to the City of Concord voters. Purely technical, and I really appreciate the assistance from a number of you and your support for this amendment.

(The Chair recognized Sen. Forsythe for a question of Sen. Larsen.)

SENATOR FORSYTHE: Thank you, Senator Larsen. I just want to confirm...or, could you confirm that Laconia is not affected by this amendment?

SENATOR LARSEN: Laconia is not affected by this amendment.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Education

May 24, 2011

2011-2160s

04/05

Amendment to HB 164

Amend RSA 193-E:2-a, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b)(1) The “common core state standards” developed jointly by the National Governors Association Center for Best Practices and the Council of Chief State School Officers shall not be adopted or approved, without prior approval of the general court.

(2) This subparagraph shall not apply to the English language arts and mathematics common core state standards which have been approved, in principle, by the state board of education prior to the effective date of this subparagraph.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 State Board of Education; Report on Review of English Language Arts and Mathematics Common Core State Standards. On or before December 31, 2011, the state board of education shall submit a report to the speaker of the house of representatives, senate president, and the chairmen of the house and senate education committees on the board's review of the English language arts and mathematics common core state standards and the relevance of those standards to the delivery of public education in this state.

2011-2160s

AMENDED ANALYSIS

This bill requires prior approval of the general court for the adoption, approval, or implementation of the common core state standards in any school district of this state, or as part of the New Hampshire curriculum frameworks, or as part of an adequate education. The bill also requires the state board of education to submit a report on the board's review of the English Language Arts and Mathematics common core state standards and the relevance of those standards to the delivery of public education in this state.

SENATOR CARSON: Thank you, Mister President. I move House Bill 164 Ought to Pass with Amendment. This legislation requires legislative approval for the adoption of the common core state standards in New Hampshire.

Currently, the Department of Education has the sole authority to adopt said standards, and this legislation would transfer the final say on the adoption of these standards, and this legislation would transfer the final say on the adoption of these standards to the General Court.

This legislation was amended to approve the adoption of the English and math standards, which have already begun to be implemented by New Hampshire schools and was previously adopted by the State Board of Education. All other parts of the common core standards must be approved by the Legislature pursuant to adoption. House Bill 164 also sets a minimum standard which can be increased and implemented at the local level to ensure local control remains in place.

Therefore, the Education Committee recommends that House Bill 164 Ought to Pass as Amended and asks for your support. Thank you, Mister President.

Sen. Stiles moved to Lay on the Table HB 164.

A roll call was requested by Sen. Forsythe, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Houde, Odell, Kelly, Lambert, Larsen, Boutin, Barnes, Rausch, D'Allesandro, Merrill, Prescott, Stiles, Bragdon.

The following Senators voted No: Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Carson, De Blois, Morse.

Yeas: 14 - Nays: 10

Adopted.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission. Inexpedient to Legislate, Vote 3-1. Senator Prescott for the committee.

SENATOR PRESCOTT: Thank you very much, Mister President. I move House Bill 429 Inexpedient to Legislate. This legislation permits a child 16 years of age or older to withdraw from school simply with parental written-note permission. Present statute provides the opportunity for students under the age of 18 who wish to withdraw to develop an educational and long-term plan with the school administrators and, more importantly, their family, with their input.

Therefore, the Education Committee recommends that this bill be Inexpedient to Legislate because I had one of my fourth grade classes mail me handwritten letters about that thick on how they wanted to stay in school. This is kind of a signal to those fourth grade students, that staying in school is a good thing. And, if you're over 16, if you want to get out of school, there is an opportunity to do an alternate method of getting a diploma, and I'm all for that, rather than letting permission just to leave school because their parents say it's okay? I don't think that's good for our future of this New Hampshire state, because education is very important; high school diploma and on from there is what we want to have for our students to know that that's what New Hampshire Senate believes in. I hope and I pray that this Senate agrees with the Education Committee. Inexpedient to Legislate: Do not lower the dropout age. I thank you very much, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I rise in opposition of the ITL motion. I believe this is a parental rights issue; I think I've been pretty consistent whenever we've had parental rights issues in advocating them. I think it's not good for the Legislature to drive a wedge between the parent and the child. The current law, although it does allow for moving around, so to speak, some of the rules, the ultimate decision is not left to the parent because there is a superintendent override available. So, I strongly would support an Ought to Pass motion on this bill, and would ask my Senate colleagues to do the same.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I simply rise to say this measure of all the things we did has made one of the most significant differences in education in New Hampshire. We as a state, and I think of Concord, having been here as long as I have, Concord had a dropout rate of 25 percent – Concord High. Now, most of us think of Concord being a pretty educated community, and yet that was our record not so long ago. And, we have gotten the dropout rate down below one percent because of this. Senator Boutin and I, and I understand Senator Sanborn later, attended the community technical education systems in our high

school over at Concord High. Those kids were enthusiastic to be in their school; they were enthusiastic that they were getting OSHA degrees; they were getting degrees to be culinary artists. They were able to say they saw a path for both education and a career. We have many, now, alternatives we didn't ten years ago; alternatives, whether it's charter schools, whether it's alternatives in the community technical education programs, or for your own pattern of self education through some alternate education. We can get people graduated through the minimal degree of high school level such that there's some hope of those people helping themselves. It makes no sense to rescind that law, and I think we ought to be applauding ourselves, our teachers, and our communities that have helped support these kids such that that kind of a dropout rate is reduced so dramatically to under one percent. We are a model for the nation, and we should be proud of it. Thanks.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I've been a teacher for 50 years. I coached at the high school level; I coached at the college level. I've told you on more than one occasion that my basic job was convincing students not to drop out of school, to finish your high school education, and if need be, go on to college. I tried to place all of my athletes in college because I knew that it was the best path for them to take. There were parents who would say: "I want my kid out of school so that they could get a job in the mill." Well, those jobs aren't available any more; Seal Tanning has closed; the Waumbec has closed; the shoe factories are closed, where you went to work for \$5 an hour. People need an education. A democratic society is built on an educated public. Parents and teachers – parents supporting their children and bringing their children the best opportunities available to them. I was on the school board in Manchester for ten years; I chaired the curriculum and instruction committee. I gave my time to my community when we had a dropout rate of 30 percent – 30 percent; three out of every ten students dropped out of school. When they drop out of school and they don't find a job, they become trouble with a capital "T". I go up to the state prison and find many of Hillsborough County's finest without a high school education, with a drug and alcohol problem, suffering. Education could have made the difference. We made a decision in this state; we made a decision. We made a courageous decision. We've left the agrarian society of the past and moved into the technological society of the 21st century. And, we said to our children: "Finish high school. There's another opportunity for you." We shouldn't be backtracking. Regression is not part of this game. If we want to go to regression, we'll go to another part of the world; they want to catch up with us. We have something that we can be proud of here. If we backtrack, then we're creating a cardinal sin. And, a cardinal sin is a grievous offense against the Lord; I got that from my Baltimore Catechism, and Sister Nathaniel would be proud of me for saying that. Thank you very much.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I rise in support of HB 429 for many of the same reasons that Senator White does. But, I do want to acknowledge, especially since there's people that worked on it, that there were a lot of good parts to SB 18. But, removing parental authority was not a good part of SB 18, and that's what this bill seeks to remedy: the ability of the parents to have the final decision. The good part is that SB 18 put a plan in place where the parents would work

with the superintendent, come up with alternative learning plans that could meet the needs of that family where the school wasn't; that's an excellent part, and I think I acknowledge the comments from Senator Larsen, that that's what really has helped, I think, and also putting different programs in place. But, in the end, it's the superintendent's decision whether or not to approve that program. That works fine as long as you have superintendents that are willing to work with the parents, but when you don't, that can cause problems. The parent should be the final decider if you believe in parental rights.

HB 429 sought to keep that good portion, to keep the working with the superintendents, but then allow parents to make the decision if the parents wanted the child to withdraw. However, if this bill does fail, one of the things that I mentioned to the sponsor about this is, the way it is, you either work with the superintendent or you withdraw. They should come back and work on it to have the parent go through the process, try to work with the superintendent, and then if that fails, give them the authority to withdraw and/or appeal. So, this bill could be improved to hopefully meet some people's concerns, but I do still support this bill. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I keep hearing about a democratic process. Well, I want to talk about a Republican process – or, something different; I'm sorry. Bottom line is: I hope you all read the *Union Leader* this morning. There was an editorial in there that mentioned the greatest town in the State of New Hampshire: Raymond. The superintendent was talking about the dropout rate in Raymond. The newspaper, whoever wrote that, either she didn't tell him or he didn't call me so I could tell him, this, I think, piece of legislation, that I voted against when it came on the Senate floor last time around – and, my good friend over here is giving me the smile, because he was the sponsor of that bill, or cosponsor of it; thank you very much for being a cosponsor of it. You ought to show your superintendents that article, because it shows what Raymond – what the superintendent in Raymond did to help keep your kids in school. Raymond's dropout was big – you hear all this about big dropout rates; that's the reason I sacrificed my body and ran for the school board; that's probably why Peter up there ran for school board, so he could straighten out the dropout rate in Milford. This has been a big help. I had schools tell me when I voted no, and I have two schools, I have two towns that are plaintiff towns: Allentown and Pittsfield. Both of those schools told me: "Don't you dare pass that bill; we'll have all the bozos and bozettes disrupting our classes. We have enough problems with those people now! Don't you vote for it." But, guess what? I went there two, three, four weeks ago, I talked to the Raymond school board recently, and they said: "You'd better vote for this." And, the people in Pittsfield and Allentown said: "Jack, it's working; for God's sakes, vote for it. Vote to keep it where it is." So, that's what I'm going to do. Thank you very much.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I would just like to refer to the parental involvement. SB 18 did bring parents into the process, to have them work with the student to complete their education. There are many, many opportunities for them to do that: They can go and take a GED, they can do extended learning opportunities, they can do internships, they can even go to work for six months, come back, and

complete it through adult education, or they can home school. All of those opportunities are out there, and I can't imagine a parent in the world that doesn't want their kid to have at least a high school education.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Houde, Odell, Kelly, Lambert, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forsythe, Groen, Sanborn, White, Luther, Carson.

Yeas: 18 - Nays: 6

Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

May 26, 2011

2011-2216s

04/01

Amendment to HB 390

Amend section 2 of the bill by inserting after paragraph (6) the following new paragraphs:

- (7) RSA 9-C:4 Interagency Recycling and Product Purchase Committee
- (8) RSA 19-L Citizens Trade Policy Commission

Amend the bill by replacing section 12 with the following:

12 Repeal. The following are repealed:

- I. RSA 19-B:1-9, relative to the commission on the status of women.
- II. RSA 21-H:14-c, II(a)(15), relative to a member from the commission on the status of women serving on the interagency coordinating council for women offenders.
- III. RSA 276-B:2, I(e), relative to a member from the commission on the status of women serving on the task force on work and family.
- IV. RSA 169-C:39-b, I, relative to the definition of New Hampshire children's trust fund board.
- V. RSA 9-C:2, I, relative to the definition of the interagency recycling and product purchase committee.
- VI. RSA 9-C:3, II, relative to cooperation with the interagency recycling and product purchase committee.
- VII. 2007, 365:2 and 2007, 365:3, I, relative to the prospective repeal date of January 1, 2015 for the citizens trade policy commission.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 18:

16 State Government Waste Reduction; Procurement. Amend RSA 9-C:8 to read as follows:

9-C:8 Procurement. The division shall fulfill its responsibility as the state's procurement agency in a manner consistent with and in advance-

ment of the policy principles of RSA 9-C:3. This shall be reflected, in part, in the division's procurement specifications and the information required from vendors and bidders. The division shall keep all state agencies that make purchases through it informed of the requirements of this chapter and shall work with such agencies ~~[and the committee]~~ in furtherance of such requirements. The division shall put in place the necessary contracts to facilitate the purchase of those materials, supplies, and products identified by the ~~[committee under RSA 9-C:4, II(b)]~~ **division** when they are of a type normally procured through the division, as well as other materials, supplies, and products containing recycled materials for which there is a demand. The division ~~[in consultation with the committee]~~ shall also arrange for the pickup of recycled materials, where feasible, at those state agencies that purchase through the division.

17 State Government Waste Reduction; Reporting. Amend RSA 9-C:10 to read as follows:

9-C:10 Reporting.

I.(a) ~~[The committee]~~ **Each agency** shall prepare a form, with assistance from the director of the division, that shall be used to report on agency success in complying with this chapter. The head or governing board of each department or other primary state agency shall complete the form to the extent that the information requested is applicable to the agency, and return it to the ~~[committee]~~ **division** by September 1 of each year beginning in 2009. Information concerning administratively attached agencies, as identified by the ~~[committee]~~ **division**, shall be included within the report of the primary state agency. The form shall require the reporting of information in sufficient detail to allow the ~~[committee]~~ **division** to prepare its annual report under paragraph II. When possible, the ~~[committee]~~ **division** shall rely upon information already recorded by the division through the procurement process.

(b) The primary state agency shall certify on such form that the agency is in compliance with each policy provision of RSA 9-C:3, I and if not, the reasons for non-compliance and the agency's plan for compliance.

II. The ~~[committee]~~ **division** shall submit a report on compliance with this chapter by November 1 of each year beginning in 2009 to the governor, the legislative committees of jurisdiction, the department of environmental services, and the state library that shall include, but not be limited to, both detailed and summarized information, as best can be determined, on:

(a) The waste materials that were either recycled or otherwise disposed of by state agencies during the prior fiscal year by type, quantity, disposal cost or sales revenue, and agency.

(b) Purchases made by state agencies during the prior fiscal year of those types of materials, supplies, and products identified by the ~~[committee under RSA 9-C:4, II(b)]~~ **division** as being available with recycled material content, by type, recycled material content, if any, quantity, cost, and agency. ~~[Where possible, the committee shall rely upon information recorded by the division through the procurement process.]~~

(c) The response given by each state agency to the certification requirement under subparagraph I(b) relative to its compliance with each policy principle of RSA 9-C:3, I.

(d) Any recommended changes to state laws, policies, or practices that would advance the policy principles of RSA 9-C:3, I, including any offered by state agencies under paragraph I.

(e) The actions taken by the division to fulfill its responsibilities under RSA 9-C:8 as the state's procurement agency.

~~[(f) The activities of the committee during the past year, including a copy of the document prepared by the committee under RSA 9-C:4, III.]~~

III. The legislative branch shall devise its own method of reporting compliance with this chapter and shall not be considered a state agency for purposes of reporting under this section.

SENATOR CARSON: Thank you, Mister President. I rise in support of the committee recommendation of Ought to Pass with Amendment on House Bill 390. House Bill 390 reinstates and repeals certain boards, commissions, councils, advisory committees, and task forces, and is a request of the committee to study the list of nonregulatory boards, commissions, councils, advisory committees, and task forces established in 2009.

The amendment brought forward repealed the interagency recycling and product purchase committee and the citizens trade policy commission. This bill is a final step in a long process of reviewing chartered and statutory committees in state government. The Senate ED&A Committee will be following and assisting the review committee in tightening up procedures so that information which comes out of the statutory and study committees reaches the appropriate lines of communication, and also that the information is readily accessible.

The ED&A Committee voted unanimously in favor of House Bill 390 and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 565, establishing a dental hygienists committee within the board of dental examiners. Ought to Pass, Vote 5-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I rise in support of the committee recommendation of Ought to Pass on HB 565. HB 565 moves the ball forward relative to the issue of dental hygiene that has come before the Legislature over the past several years. HB 565 establishes a dental hygiene committee to advise the board of dental examiners about issues specific to dental hygiene. The committee will have the authority to develop and propose rules related to hygiene for the board's consideration. The board of dental examiners supports this legislation and has stated that it intends to work collaboratively with this committee to bring better focus to hygiene issues. To make sure that the Legislature is updated on the progress of this collaboration, the board of dental examiners is required to issue a report on the activities of the committee by October 1, 2012. We believe that a strong dental team which values all of its members, including dental hygienists, is the most effective and efficient way to provide dental services in New Hampshire. I urge the Senate's adoption of the Committee's 5-0 recommendation of Ought to Pass. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Just very quickly, we spent a lot of time on this, and it's been an issue that's been before the Senate many other times. I would just say that dental hygienists have been shown to be a preventative force for good dental care, and maybe the force by which we can improve dental access in our state. This bill is a step forward; it's not as big as they would like us to have taken, but I think it's one which we all

ought to keep an eye on, because as there are fewer and fewer dentists to treat more and more people, we know that one of the best ways to prevent severe dental problems is through good hygiene, and anything we can do to open up the doors for more hygienists to have the ability to treat helps all of us. So, I just say, in the future, we've got to keep an eye on this and keep an open mind towards improving this kind of preventative service. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. Ought to Pass with Amendment, Vote 4-1. Senator Groen for the committee.

Senate Executive Departments and Administration

May 26, 2011

2011-2212s

05/01

Amendment to HB 623

Amend RSA 21-I:52, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of the person's political opinions, *religion*, religious beliefs or affiliations, age, sex, *sexual orientation*, *national origin*, or race. [In addition, no person shall have any such employment action taken on account of such person's sexual orientation.] *Additionally, except as provided in paragraph I-a, there shall be no preferential treatment or discrimination in recruiting, hiring, or promotion based on race, sex, sexual orientation, national origin, religion, or religious beliefs.* Nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which creates an actual, direct and substantial conflict of interest with the employee's employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting such classified employment. Determination of such conflict shall be made by the personnel appeals board after the parties are afforded rights to a hearing pursuant to RSA 21-I:58. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable

amount of time to leave the employee's public office or other employment or otherwise end the conflict before the appointing authority initiates that action.

SENATOR GROEN: Thank you, Mister President. I rise to support the ED&A committee recommendation of Ought to Pass with Amendment on HB 623. HB 623 is a bill to clarify and protect civil rights that we all hold dear. Civil rights are violated when a person is denied equal protection under the law on the basis of his or her race, sex, sexual orientation, national origin, religion, or religious beliefs. Such discrimination can be the result of refusal to hire a person, or such discrimination can be the result of preferential treatment of one person that violates the civil rights of another person. This bill simply states what should be obvious to all of us: that discrimination, whether by denial of the rights of a person or by preferential treatment of one person over another, has no place in New Hampshire hiring or admissions. HB 623 therefore prohibits discrimination in recruiting, hiring, promotion, or admission by state agencies, university system, the community college system, and the postsecondary education commission.

The amendment brought forth amends the wording of the existing law to be consistent with the wording proposed in the new section of the law and makes the classifications consistent with federal law.

I urge the adoption of the Committee's 4-1 recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on HB 623.

FINANCE

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

Senate Finance

May 26 2011

2011-2211s

10/05

Amendment to HB 462-FN

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3-5, respectively:

2 Application. The provisions of RSA 100-A:16, III-a as inserted by section 1 of this act shall not apply to a binding contract or a binding collective bargaining agreement in effect on the effective date of this section, to the extent required by the contract or agreement, before the termination of such contract or the date on which the collective bargaining agreement terminates, or while the terms of the existing contract remain in force as a result of either the operation of law or the status quo doctrine, or a provision in the existing contract because the parties have failed to agree to a new contract or a contract extension, on or after the effective date of this section.

SENATOR ODELL: Thank you, Mister President. I move House Bill 462 Ought to Pass with Amendment. House Bill 462 modifies the method of

calculation of the retirement system employer assessment under RSA 100 for excess benefits paid for retirees. This bill will also phase in the required payments over a four-year period. It also creates the retirement system, put an interactive estimator on the retirement system's website so that retirement system employers can evaluate their probable cost for individual members. As amended by the Senate Finance Committee, section 1 of the bill shall not apply to New Hampshire retirement system employers with a binding contract or a binding collective bargaining agreement until termination of the agreement.

Please support the Finance Committee's motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 489-FN, establishing a health information organization corporation. Ought to Pass, Vote 7-0. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 489 Ought to Pass. This bill establishes the health information organization corporation, which will have a distinct legal existence from the State. The corporation will establish and maintain the organization for the electronic exchange of health information. This bill also requires the Commissioner of Health and Human Services to enter into a contract with the health information exchange to administer the grant for the New Hampshire information exchange planning and implementation project.

Please help the Committee out, help us all out, and please vote "yes" on this important piece of legislation.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 489-FN.

HB 490-FN, adopting the interstate compact for juveniles. Ought to Pass, Vote 7-0. Senator Forrester for the committee.

SENATOR FORRESTER: Thank you, Mister President. I move Ought to Pass on House Bill 490. This legislation adopts the most recent version of the interstate compact for juveniles. Model legislation enables the State to provide uniform treatment for juveniles who may have run away or moved. The reciprocity enables family courts to provide consistent and continued treatment for these youngsters as they cross state borders. The Judicial Branch states it does not expect the new version of the interstate compact for juveniles to result in a change in the way juvenile cases are processed and does not anticipate a fiscal impact from this bill. Also, the judicial council assumes this bill will have no impact on indigent defense expenditures.

The Finance Committee recommends that this be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 505-FN, making charter schools eligible for grants for leased space. Ought to Pass, Vote 6-1. Senator Barnes for the committee.

SENATOR BARNES: Thank you, Mister President. I move House Bill 505 Ought to Pass. This legislation authorizes chartered public school to be included in the application process to receive school building aid. Currently, chartered public schools must factor leasing costs into their budget. Yet, the school building aid fund provides leasing assistance to vocational schools as well as building aid for public schools. In this legislation, the chartered public schools would be provided a mere 30 percent of their lease cost. But with the school building aid fund currently in a moratorium, this legislation would have no fiscal impact on the State. Although chartered public schools would not immediately benefit from this bill, the passage of this legislation opens doors to federal grants that would otherwise be closed. And, the Finance Committee, almost on a unanimous vote, voted the approval of this piece of legislation. I ask for your support so we can move along and move out of this building, because it's getting pretty hot in here.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 519-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. Ought to Pass, Vote 6-1. Senator Odell for the committee.

SENATOR ODELL: Thank you, Mister President. I move House Bill 519-FN Ought to Pass. House Bill 519 reforms New Hampshire's regional greenhouse gas initiative. Furthermore, this legislation clarifies how the monies in the greenhouse gas initiatives fund may be used.

Please join the Finance Committee's recommendation of Ought to Pass on House Bill 519-FN. Mister President, I know that Senator Bradley has an amendment, so I can carry on for some time, or...I think I'm getting done. So, thank you, Mister President.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Sanborn, Dist. 7

Sen. Forsythe, Dist. 4

Sen. Groen, Dist. 6

June 1, 2011

2011-2272s

09/01

Floor Amendment to HB 519-FN

Amend the bill by replacing section 17 with the following:

17 Contingency. If any 2 New England states participating in the regional greenhouse gas initiative end or agree to end their participation in the initiative or if a New England state which has at least 10 percent of the total load of the New England states participating in the regional greenhouse gas initiative ends its participation in the initiative, sections 11-15 of this act shall take effect upon the date that the commissioner of the department of environmental services certifies to the secretary of state and the director of the office of legislative services that such states have terminated or have authorized termination of their participation in the initiative or such state has terminated its participation in the initiative.

2011-2272s

AMENDED ANALYSIS

This bill replaces the greenhouse gas emission reduction fund with the energy efficiency fund, lowers the rebate threshold for auction proceeds

to \$1, and allocates the remaining proceeds received by the state from the sale of allowances to core energy efficiency programs funds by system benefits charges. The bill also requires the legislative oversight committee on electric utility restructuring to monitor and report on certain core energy efficiency programs.

The bill contains a contingent repeal of New Hampshire's regional greenhouse gas initiative cap and trade program if 2 or more New England states withdraw or agree to withdraw from participating in the initiatives or if a state which has at least 10 percent of the total load of the New England states participating in the initiative withdraws or authorizes withdrawal from participation in the initiative.

SENATOR BRADLEY: Thank you very much, Mister President. I was just enjoying the cooler air in the back room; I apologize for being out of the room. This just makes a clarification to the contingency section that says in House Bill 519 that...the way it's written now, if we adopt it, that if any two New England states participating in the RGGI program end their participation, or if one of the larger New England states that constitutes 10 percent of the load leave the program, New Hampshire would leave the program. And, the fact of the matter is, this is a very reasonable amendment; I thank Senator Sanborn and others for bringing it to those of us who worked on this compromise in terms of House Bill 519. Quite frankly, if two other states leave, or if 10 percent of the load from New England leaves, this program is all but over. It just – it won't hold together; and, at that point in time, we really should be out of it regardless of the political side that you're on – whether you're pro-RGGI or anti-RGGI. If that were to be the case, we really should leave, at least in my view. And, secondly, this enables us to have the reforms that we talked about and where the money is dedicated to: a very important issue for a number of us. And so, I encourage people to support the floor amendment and move this bill forward. Thank you.

(The Chair recognized Sen. Merrill for a question of Sen. Bradley.)

SENATOR MERRILL: Thank you, Mister President. Thank you, Senator Bradley. I just wonder if you could tell me what the maximum – or rather the minimum total load might be from combining two states that decide to withdraw.

SENATOR BRADLEY: I believe that, for instance, New Hampshire is just slightly under 5 percent; Vermont and Maine would probably be a little bit smaller; Rhode Island might be a little bit larger; Connecticut and Massachusetts – Massachusetts is over 10 percent; I think Connecticut is about 8 percent. I'm doing that from memory, but I think that's relatively accurate, and I see my good friend here, Senator Forsythe, nodding, so maybe I'm right.

SENATOR MERRILL: Okay.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Boutin.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

INTERNAL AFFAIRS

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. Re-refer to committee, Vote 5-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you very much, Mister President. I move CACR 6 be Re-referred to committee. This CACR provides that a 3/5 vote of the House of Representatives and the Senate shall be required to pass a new tax or license fee or any increase of any tax or license fee that has been levied, or to authorize the issuance of state bonds. This resolution also provides for appropriations for the payment of interest and installments of principal of all bonded state debt.

The Committee asks for your support for the motion of Re-refer.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Sens. Barnes, Groen, Morse, and Sanborn are in opposition to the motion of Re-refer to committee.

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. Re-refer to committee, Vote 5-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you again, Mister President. I move CACR 12 be Re-referred to committee. This CACR provides that the General Court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

The Committee asks for your support for Re-refer Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bills are Special-Ordered to the end of the Calendar: HB 146, HB 147, HB 375, HB 648.

JUDICIARY

HB 51, relative to screening panel members for screening panels for medical injury claims. Ought to Pass, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move Ought to Pass on House Bill 51. This legislation clarifies the qualifications required of members for screening panels for medical injury claims. Specifically, the

bill provides that panelists are to meet the same standards for impartiality as those serving on juries. A reference to excusal for cause does exist in the statute regarding qualification of panelists, but does not enumerate those things that might lead to bias as the statute on juries does. As such, the Judiciary Committee feels this is a reasonable reference and recommends that this be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 82, relative to the annulment of criminal records. Ought to Pass with Amendment, Vote 4-0. Senator Houde for the committee.

Senate Judiciary

May 25, 2011

2011-2195s

04/09

Amendment to HB 82

Amend the bill by replacing all after the enacting clause with the following:

1 Annulment of Criminal Records. Amend RSA 651:5, I-II to read as follows:

I. Except as provided in paragraphs V-VIII, the record of arrest, conviction and sentence of any person may be annulled by the sentencing court at any time in response to a petition for annulment which is timely brought in accordance with the provisions of this section if in the opinion of the court, ~~[after hearing,]~~ the annulment will assist in the petitioner's rehabilitation and will be consistent with the public welfare. ***The court may grant or deny an annulment without a hearing, unless a hearing is requested by the petitioner.***

II. Any person whose arrest has resulted in a finding of not guilty, or whose case was dismissed or not prosecuted, may petition for annulment of the arrest record ***or court record, or both***, at any time in accordance with the provisions of this section.

2 Annulment of Criminal Records. Amend RSA 651:5, XII to read as follows:

XII. A person is guilty of a misdemeanor if, during the life of another who has had a record of arrest or conviction annulled pursuant to this section, he ***or she, having knowledge of the annulment, knowingly*** discloses or communicates the existence of such record except as provided in subparagraph XI(b) ***and paragraphs XVI-XVII.***

3 New Paragraphs; Annulment of Criminal Records. Amend RSA 651:5 by inserting after paragraph XV the following new paragraphs:

XVI. A journalist or reporter shall not be subject to civil or criminal penalties for publishing or broadcasting:

(a) That a person had a criminal record that has been annulled, including the content of that record.

(b) That a person has a criminal record, including the content of such record, without reporting that the record has been annulled, if the journalist or reporter does not have knowledge of the annulment.

XVII. No person or entity, whether public or private, shall be subject to civil or criminal penalties for not removing from public access or making corrections to a report or statement that a person has a criminal record, including the content of such record, if thereafter the criminal record was annulled. This provision shall apply to any report or statement, regardless of its format.

4 Effective Date. This act shall take effect upon its passage.

SENATOR HOUE: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 82. This legislation makes various changes to the statutes concerning the annulment of criminal records. The legislation addresses several issues, including when a journalist is libel and what one's responsibility is with respect to records existing on the Internet or elsewhere, post-annulment. One of the challenges for people is when a record is annulled but the charge and verdict have been reported to the press. As one person so aptly said at the hearing: "You cannot un-ring a bell". Our statutes were adopted before the age of Facebook, postings on the Internet and YouTube, and this is a step toward acknowledging this reality.

The final language is the result of work by the Attorney General's Office and those representing First Amendment concerns. One item not included is the court's responsibility with respect to records and what their personnel can or should disclose regarding annulled records, much being the result of technical computer issues, which could not be resolved by the time the Committee had to vote. They will continue to work on this and come back at a later date, but the Committee felt half a loaf was better than none. Therefore, we recommend that this be adopted with amendment and ask for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move that House Bill 110 be Re-referred to committee. This legislation sought to require that all security and safety personnel must report felonies to law enforcement officers.

There was a great amount of discussion at the public hearing regarding felonies: when an act rises to this level, the timeframes for reporting, and for other concerns. The Committee was also aware that only one town seems to be having an issue, as many of our other colleges and universities are working within a negotiated memorandum of understanding with respect to reporting.

In addition to providing time for the Committee to resolve some of their concerns, this will also give the two parties more time to reach a conclusion on their own memorandums of understanding. Because of our concerns, we ask that the bill be Re-referred. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 141, relative to protected utility services. Ought to Pass with Amendment, Vote 4-0. Senator Luther for the committee.

Senate Judiciary

May 25, 2011

2011-2189s

06/05

Amendment to HB 141

Amend the title of the bill by replacing it with the following:

AN ACT relative to the treatment of cable television as a protected utility service.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Prohibited Practices and Security Deposits; Certain Specific Acts Prohibited; Exception. Amend RSA 540-A:3 by inserting after paragraph I the following new paragraph:

I-a. The provisions of paragraph I shall not apply to cable television service.

2 Effective Date. This act shall take effect January 1, 2012.

2011-2189s

AMENDED ANALYSIS

This bill exempts cable television from utility services that are protected from interruption or termination by landlords.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass with Amendment on HB 141. This legislation clarifies which utility services are protected from interruption or termination by landlords. Specifically, and in response to a New Hampshire court case, it removes cable television from the list.

While the bill was amended in the House executive session, the Committee had concerns with the unintended consequences of that amendment. Because we were more comfortable with the bill as introduced in the House, the committee amendment takes the language back to that version, which leaves the statute intact otherwise.

The Judiciary Committee recommends that this be adopted with amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move that House Bill 145 be Re-referred to committee. This legislation sought to permit the video and audio recording of a law enforcement officer while in the course of his or her official duties.

Testimony in the hearing indicated that there was concern over the breadth of the bill as introduced in the House, but also concern over the limitations of it as amended by the House. The Committee members were therefore hesitant to adopt this bill in either form for fear of creating a problem rather than solving it. Specific concerns included whether private citizens would be subject to taping as a result of merely being present at the scene of an event or near a public official being filmed, and the lack of clarity with respect to limits on taping of public employees in private spaces, like their offices. Because of these concerns, we decided it best to keep it in committee so that we can continue to look at the various issues.

Therefore, the Judiciary Committee recommends that this be Re-referred to committee and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I just urge... Sometimes when we Re-refer bills I get concerned that they're going to go into a black hole or nothing is going to happen. This bill's pretty important to me. I'm not going to oppose the Re-refer motion because I guess there were complications. But, there's been several situations over the last couple of years involving public officials, law enforcement, etcetera, being video or audio recorded or both, and I think there's kind of some room for abuse of the citizenry. There was a situation in Nashua where police came to the home of someone to look for this fellow's son; his home had signs on it that said: "Recording in progress"; you know, they were posted on the property. The police seized his audio and visual equipment in spite of those signs. When it got to a judge, the judge threw it out, and yet the police department would not return the equipment, and their quote in the newspaper was: If we do a drug bust and the judge throws it out, we don't give the person their drugs back. So, we're not going to give the audio equipment back either, because the law was being broken in their eyes, and even though a judge threw it out, they still wouldn't give the equipment back. I could give other examples, but the point is, I'm sensitive to this issue, and I would urge those on the Judiciary Committee to bring a bill that we can vote on and Ought to Pass next session. It's an important issue, and I would hope you would address it to the best of your ability.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to assure Senator White, the Judiciary Committee takes every Re-referral that we make very seriously. It is the intent of the Committee to do the work to resolve the issues and come back with a piece of legislation in January that, hopefully, we can all support and we can all vote for. Thank you.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 158, relative to the misuse of social security numbers. Re-refer to committee, Vote 4-0. Senator Groen for the committee.

SENATOR GROEN: Thank you, Mister President. I move that HB 158 be Re-referred to committee. This legislation sought to create a course of action for the misuse of social security numbers.

While the Committee is well aware of problems with identity theft and wants to help address abuses, we are not convinced that this bill is ready to move forward. Testimony at the hearing suggested this was directed more at requiring tighter regulation of illegal workers, but members of the business community testified that reporting requirements already exist.

Therefore, the Judiciary Committee recommends that this be Re-referred so that the issue can be further reviewed, and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division. Inexpedient to Legislate, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 259. This legislation sought to require that the Judicial Branch family division adopt rules of evidence.

While there appears to be a perception that forcing the courts to adopt these rules would permit parties to submit anything they wish and the court must accept it, this actually is not the case. Adoption of the rules of evidence would actually make cases for the pro se litigants much more complicated and difficult. Also, in 1995, the New Hampshire Supreme Court ruled that the Legislature cannot require the courts to adopt rules based on the constitutional separation of powers.

Therefore, the Judiciary Committee recommends that this not be adopted and asks for your support of the ITL recommendation. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 511, relative to retired judges over 70 years of age. Ought to Pass with Amendment, Vote 3-1. Senator Luther for the committee.

Senate Judiciary

May 26, 2011

2011-2217s

08/03

Amendment to HB 511

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Applicability. Section 1 of this act shall apply only to cases filed on or after the effective date of this act.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass with Amendment on HB 511. This legislation clarifies that retired judges over 70 years of age shall not serve as judges in any judicial capacity except as judicial referees. This is consistent with the language in our Constitution, and merely makes the statute parallel. The committee amendment clarifies that this shall not be applicable to any currently pending cases, as we have one on which all of the sitting judges have been recused.

While many of us feel that the constitutional language where the age of 70 is now obsolete, the place to address that is with a constitutional amendment. In the meantime, the Judiciary Committee recommends that this be adopted with amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I will be brief. I'm delighted that the amendment has been adopted, because it shows the situation that could arise. When we disqualify any judge over the age of 70 from serving on a matter to which all other judges are disqualified, it would be rather problematic to have justice be served in that situation. That being said, what's to say that there aren't situations like that that arise in the future, and the Judiciary will rather have its hands tied.

There are arguments pro and con this. The Legislature has obviously taken the court up on its invitation to change the statute that's been in place for 33 years, allowing these judges to sit on cases, and I would just hope and reiterate for the record that a constitutional amendment, perhaps, is appropriate; former Senator Letourneau, I know, would support that, and I know that Senator Groen has articulated his support for it in the committee hearings. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 597, revising the child support guidelines based on an income shares model of calculating child support. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move that House Bill 597 be Re-referred to committee. This legislation sought to revise the child support guidelines based on an income shares model, and was the result of recommendations of the 2009 New Hampshire child support guidelines report.

The Committee had some concerns with both the substance and potential operation of the bill. For example, we were troubled with cutting off the guidelines at three children. There appears to have been no data available to the researchers for families with more than three children. We were also concerned about the percentages allocated for upper income brackets. And, while we had an amendment offered that would have made the guidelines perspective only, some families wanted the guidelines implemented upon review of existing orders. Since the adoption of these guidelines could have significant implications for child support payments, the Committee asks to have the bill Re-referred, and welcomes your support. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

Recess. Out of recess.

PRESIDENT BRAGDON: Without objection, I would ask the Senate to stand and observe a moment of silence to pay our respects to former Governor Walter Peterson, who passed away last night – former Governor and Speaker of the House. I'm sure we will all keep his wife, Dorothy, and the Peterson family in our prayers in their time of grieving.

The Senate observed a moment of silence.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Good morning. Thank you, Mister President. It's a pleasure for me to introduce my two guests: my husband, Art – do you want to stand and say good morning? – and my son, Patrick. They're here today in support of the work that we do, but also, as well, we are all three heading out to Seattle later today to be with our son, Justin, who will be completing an MBA degree in sustainable business from Bainbridge University in Seattle.

SPECIAL ORDER

Without objection President Bragdon moved that HB 648 be Special-Ordered to 1:00 p.m.

JUDICIARY

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. Inexpedient to Legislate, Vote 2-2. Senator Houde for the committee.

SENATOR HOUDE: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 146. This legislation started out as a jury nullification bill; in other words, requiring the court to tell the jury that they could not only determine the facts but also the law, potentially acquitting a person whose conduct otherwise constituted an offense. But, it was substantially amended by the House.

By way of background, it's a fairly basic tentative law that the jury determines the facts and the judge determines the law. The jury then applies the facts to the law to reach a verdict. The House amendments, essentially, are a recitation of what already can happen with respect to instructions to the jury: not only that the jury determines the facts, as I said, and the law as applied to those facts, but that if, in a criminal case, the prosecution proves beyond a reasonable doubt all of the necessary elements of a crime in order to convict, that they should convict, by implication that they do not have to. As you can see from our split vote, we were not in agreement as to whether this adds to our jury system and the administration of justice or not. Some, myself and Senator Carson, felt it was unnecessary and would only result in activist juries. Our colleagues felt, however, it was an important reminder to the jury of their rights to reach their own conclusion. The current situation is that this can already happen in our courts, that juries are given instructions and the lawyers in the case can request specific instructions be given. Therefore, one half of the Judiciary Committee members recommend that this bill not be adopted. Thank you, Mister President.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to make a motion to Re-refer this back to the committee.

PRESIDENT BRAGDON: In order to do that, you have to vote down the Inexpedient to Legislate motion and then I would recognize a motion to Re-refer.

SENATOR CARSON: Okay. Thank you.

PRESIDENT BRAGDON: I will keep that in mind, should the opportunity arise.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: I am one of the – thank you, Mister President. I am one of the Committee that voted Ought to Pass, and actually we did have an Ought to Pass motion, which failed 2-2.

After a lot of study on this issue, the background on this, from my perspective, is that there is a longstanding tradition, a common law tradition, going back to the 11th century, in British common law, which is extensively used in our country as the basis for our law. And, that is the concept of jury nullification. And, I just want to say that a jury does not have a right to judge the law in the sense that they cannot say that the law is or isn't constitutional or should or should not be applied in another case. They look specifically at a given case, and there is an opportunity for the jury, as my colleague stated, and is common law practice, that a jury can judge that the application of the law in a specific instance is not justice, and they can choose not to apply the law specifically in that case. The question comes as to the informing of the jury of that right to do that, and that's really the issue of this law. The current instructions to the jury that are given are that the jury must consider all the facts in the case and must be, you know, in agreement on the facts of the case, and that then if those facts would indicate that the jury should convict that they should convict on that basis. And, that term, the difference between 'should' and 'must' is supposed to inform the jury of their right for jury nullification. And, considering that cases are tried by juries of peers and not juries of lawyers, I think that that simple term 'should' instead of 'must' is not adequate notice for that. I also want to note that

this process cannot ever be used to convict, it can only be used to acquit. So, a jury cannot say justice would not be served if we acquitted this person, so we're going to convict him instead. It can never be used in that instance; it can only be used to acquit. So, I believe that there's a longstanding tradition. This is a situation where the only request in this bill, the only application is that juries be notified of this, that the judge be instructed to notify the jury of this right and that the defense counsel have an opportunity to notify the jury of this right.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I rise in support of the bill as well, and with the comments of Senator Groen. And, I would just ask my colleagues to defeat the ITL motion so instead we can Re-refer it, because I trust in the Judiciary Committee and Senator Carson would definitely take a second look at it and work on it over the summer. Thank you, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I also rise in opposition to the ITL motion for the same reasons that have been outlined by my two colleagues.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A division vote was requested.

Yeas: 8 - Nays: 12

Failed.

Sen. Carson moved Re-refer to committee. Adopted.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute. Ought to Pass with Amendment, Vote 3-1. Senator Luther for the committee.

Senate Judiciary

May 25, 2011

2011-2191s

04/10

Amendment to HB 147-FN

Amend the bill by replacing section 2 with the following:

2 Homicide; Capital Murder. Amend RSA 630:1, I(f) to read as follows:

(f) Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b)[-]; **or**

(g) Another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary as defined in RSA 635:1.

2011-2191s

AMENDED ANALYSIS

This bill provides that a person is guilty of capital murder if he or she knowingly causes the death of another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary.

SENATOR LUTHER: Thank you, Mister President. I move Ought to Pass with Amendment on HB 147. This legislation expands crimes which can be charged as capital murder to include murders which occur during home invasions, such as the recent tragic and horrific crimes in Mont Vernon. Our homes are sanctuaries and merit the protection that this legislation affords to our citizens. Adoption of this bill sends a clear and unambiguous message that we as a society will not tolerate these horrendous crimes, and we will prosecute them to the fullest extent of the law.

The committee amendment, which is endorsed by the Attorney General's Office, refers to the definitions within the existing burglary statutes, where there was a large amount of established case law, which will strengthen the prosecutions under this standard.

The Judiciary Committee recommends that this be adopted with amendment and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Yes, thank you very much, Mister President. Having been a cosponsor of this legislation and not being a lawyer, I went to our good friend Rick, our counsel for the Senate, and had some conversation about this piece of legislation. And, listening to Rick, he had a couple of items that he thought might tighten this piece of legislation up and make it a better piece of legislation. He took the time and effort to get with the prime sponsor of this bill, who happens to be the Speaker of the House, who happens to represent the Town of Mont Vernon, where this atrocious thing happened. And, Rick also working with the Attorney General's Office to tighten this up, and the prime sponsor, the Speaker, on this amendment, thought that it was a great idea and that it did make his bill better. And, the Committee heard the person who brought the amendment in was the prime sponsor, the Speaker. So, that amendment had the blessing of a number of legal people, which I am not, but they tell me that it makes this bill a very good piece of legislation. And, I hope that we can get the majority of us to pass this piece of legislation. I want to thank Rick for your effort with the Speaker and with the Attorney General's Office. Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Luther.)

SENATOR LARSEN: Senator Luther, because you're on the Committee, I wanted to ask you about the committee amendment. While I know it was prepared by the Attorney General's Office, or at least that's what I'm being informed, when I read it, it appears that it will apply the death penalty to anyone who is privileged to be in an occupied structure, and licensed, as they say. The reference to occupied structure – "separately secured or occupied section thereof" – to me, does not indicate a residence. And so, it would then be an occupied structure...It would appear to me that it could be someone who is licensed to go into an office building and be, perhaps, a plumber, and be fixing that structure; he's licensed to be there, he's in an occupied structure. And, if he were to be murdered because someone's in there trying to steal copper, the death penalty would apply. So, if we're talking...This bill, I understood, was home invasion: residence of a human being who occupies their home. And, if I read this, the committee amendment applies to a far broader section than homes. Could you reply?

SENATOR LUTHER: Yes, Senator. Thank you for the question. This language was added by the AG's Office to be consistent with the word-

ing. I'm not a lawyer, so, defining this – and I may defer to somebody else – I can't answer your question legally as to exactly what "occupied structure" means.

SENATOR LARSEN: Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Barnes is in favor of the adoption of the Committee Amendment to HB 147-FN.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to 147. In so doing, I would note at the outset that this bill is not a referendum on the death penalty. In fact, there was a commission put together to look at the death penalty in New Hampshire, a commission that, it will come as no surprise, was fairly evenly split in their conclusions after a rather thorough review. 147 is about whether or not we should expand the limited number of categories the death penalty is currently applied to.

As Senator Luther indicated, there really are no words that can express the horror of the tragedy for the Cates family or the tragedies we heard from several other family members of victims during the hearing. Our expressions of sympathy are surely inadequate to their experience of pain and loss. What became clear to me listening to the testimony, however, is that the families of victims do not speak with one voice or in unison. In one victim's family's words: "While it may not be the intent, the consequence of grading certain murders as worse than others by the nature of being eligible for the death penalty where others are not, is insulting. Isn't the loss of their loved one just as bad and deserving of this punishment?"

We in the Legislature draw lines, though. We make distinctions all the time, and we're being asked to do so now. I rise in opposition to the expansion because I just don't know of any helpful bright lines to balance when we would want to use the death penalty sparingly on one hand against the unfortunate certainty that another heinous crime will come along that would suggest we use it again and again on the other.

For these reasons, and until we can figure out what that line is, I oppose expansion. Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I also rise in opposition to the motion of Ought to Pass with Amendment. I was a member of the commission to study the death penalty in New Hampshire that was established in 2010. For a year and a half, we heard testimony from family members of murder victims, death penalty exonerees, religious leaders, judicial, corrections, and law enforcement personnel, and many other citizens. We studied data that, to my mind, eliminated the suggestion that the death penalty serves as a deterrent. We learned the details of the capital punishment process in New Hampshire, starting with the personal decision of the Attorney General as to whether or not the State will seek the death penalty in each individual case.

We heard testimony reminding us of the very human kinds of error and differences in attitude that can alter the course of a death penalty case. And, we heard from family members of murder victims about the unfairness of the murder rating system that was mentioned by Senator Houde that says this category of murder is worse than this other category; this

kind of murder should be “death eligible”, as the term is used; this one shouldn’t. For those family members, the worst murder is the one that took away their child, their parent, their spouse, their sibling.

I believe that HB 147 would add to this State rating of murders in response to a specific recent crime that was truly horrific. I understand the strong emotional component of this reaction. However, I would point out that during our commission deliberations of whether the death penalty should be expanded or made narrower, even strong death penalty supporters agreed that our current list of death eligible crimes, in several cases, added in reaction to outrage from society, bear reexamination, and many pro-death penalty commission members and witnesses spoke to their support for a narrowly drawn capital murder statute.

In addition to, I believe, perpetuating this futile exercise of weighing one murder against another, expansion of the death penalty can only increase the opportunities for the kind of arbitrariness, human error, and political factors that plague the application of the death penalty, a process that by definition is a life and death situation.

So, I urge my colleagues to refrain from expanding the death penalty and to defeat House Bill 147. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Merrill.)

SENATOR BARNES: Thank you, Senator. I want to thank you for your time on that commission. Can you tell this body what the final vote of the committee was on the death penalty? I’ve heard a number, but I didn’t sit on the committee and I don’t know if the number I heard was correct or not.

SENATOR MERRILL: Sure. The final split in terms of the question of whether to retain the death penalty in New Hampshire or not was 12 in favor of retaining, 10 against.

SENATOR BARNES: Thank you, Senator. Those are the numbers that I heard, also. Thank you.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. Like my neighbor here, Senator Houde, I also agree that this bill is not about whether or not we have a death penalty, but whether or not – and, in his words he says: “expand it”; in my words I would say: “make it more consistent”. I actually oppose the death penalty for a number of reasons. However, I think the current law is a little bit inconsistent: Why is a police officer’s life more valuable than the Mont Vernon family’s life? So, I don’t want to use my opposition to the death penalty to keep the law as it is and fight expansion when it’s as inconsistent as it is. Thank you, Mister President. I will be supporting this.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I, unlike, perhaps, others in this room, have actually been the recipient of a home invasion; I guess recipient isn’t quite the word. But, in my post-college years I was the victim of an invasion into my bedroom – a burglary. Luckily, there was no murder committed or attempted murder. But, I know the violence that it feels, that you have been invaded; your personal space has been invaded. So, I am very sympathetic to and understanding of the emotional reaction of wanting retribution and revenge, and understand the strength of people’s feelings about that. I do not, however, believe

that this expansion will prevent the acts that we are all reacting to in the heinous events in Mont Vernon. I do not believe that those perpetrators would have thought about it a second thought and thought: "Well, it's punishable by capital murder." And so, it is one which I do not believe will prevent future events such as these.

I also continue to have issues with the way this is drafted, and question if in fact it is tight enough, even if I believed it would deter such terrible events from happening in the future. That's why I am voting "no" on this bill. Thank you.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sens. Barnes, Bradley, and White are in favor to the motion of Ought to Pass as Amended on HB 147-FN.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil. Ought to Pass with Amendment, Vote 3-1. Senator Groen for the committee.

Senate Judiciary

May 26, 2011

2011-2218s

05/10

Amendment to HB 375

Amend section 1 of the bill by replacing it with the following:

1 Physical Force by Persons with Special Responsibilities. RSA 627:6, II(a) is repealed and reenacted to read as follows:

(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary, to end a disturbance, to maintain decorum or safety, or to remove such minor or pupil from the premises. Conduct which is justifiable under this subparagraph constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.

2011-2218s

AMENDED ANALYSIS

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the pupil or minor from the premises.

SENATOR GROEN: Thank you, Mister President. I rise to support the Judiciary Committee recommendation of Ought to Pass with Amendment on House Bill 375. House Bill 375 allows teachers or persons otherwise entrusted with the care or supervision of a minor or pupil to use reasonable force if he or she believes it is necessary to end a disturbance, to maintain decorum or safety, or to remove a pupil from the premises. This legislation provides civil and criminal immunity for acts in good faith that comply with the reasonable force use described.

The amendment clarifies reasonable force and the immunity provisions with language that is consistent with other sections of the law.

I urge the adoption of the Committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

June 1, 2011

2011-2271s

04/01

Floor Amendment to HB 375

Amend section 1 of the bill by replacing it with the following:

1 Physical Force by Persons with Special Responsibilities. RSA 627:6, II(a) is repealed and reenacted to read as follows:

(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary to end a disturbance, to maintain decorum or safety, or to remove such minor or pupil from the premises when the minor's or pupil's behavior or continued presence on the premises would constitute a danger to that individual, or to other children or adults present. Conduct which is justifiable under this subparagraph constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.

2011-2271s

AMENDED ANALYSIS

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the pupil or minor from the premises under certain circumstances.

SENATOR STILES: Thank you, Mister President. Amendment 2271s is adding 14 words that further clarifies when reasonable force should be used, while providing the protections of both children and adults, and maintains the language of the committee amendment for the adult from civil action when, in their opinion, such force is necessary.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: The floor amendment, as I understand, refers back to what the law was prior to this bill amending the law. And, that is that previously, the law said that necessary force could be used. And, House Bill 375 changes that to "reasonable force". And, the reason for that is necessary force would often be construed as force that was required to protect the safety of the students or the teacher or other person assigned to be in charge. And, when you have that narrow a definition, then any force that would reasonably be used – and, again, there's a very clear definition of reasonable force – any force that would be used to maintain order or discipline in the classroom, which we all recognize is essential to be able to have an atmosphere than can be conducive to educational instruction...force that would be used to maintain discipline and just maintain that atmosphere of decorum would then not be allowed with this amendment. And, I'm stumbling on the words; I'm sorry about that. But, that's...What we need to do is allow teachers and others in charge of students to use reasonable force to maintain order in the classroom, not just if safety is at risk or a life is at risk, but to maintain order and decorum. And so, I would urge that this amendment be defeated and that we leave it as it came out of the committee with the committee amendment.

(The Chair recognized Sen. Barnes for a question of Sen. Stiles.)

SENATOR BARNES: I'm sorry I didn't talk to you sooner about this, Senator Stiles. But, I'm on line 5. What is a minor? What age is a minor?

SENATOR STILES: A minor...The language for minor is put in there because we are covering students that are under 21, which is sometimes above the pupil stage.

SENATOR BARNES: But what is...In this bill...

SENATOR STILES: 21 and under.

SENATOR BARNES: This minor means under 21.

SENATOR STILES: Under 21.

SENATOR BARNES: The only reason I ask that is we have children staying in school now 'til 18, so I just wanted to make sure...I thought a minor was 16 or 18...

SENATOR STILES: No. In this case, it's for 21. And, thank you for your question. And, I'd like to bring to your attention that this amendment does leave the word "reasonable force" in there, which was in the original amendment, and the only words that it adds is: "would constitute a danger to that individual or to other children or adults present". So, it clarifies that the time that the reasonable force should be used is when there is a danger to another individual.

SENATOR BARNES: Senator, thank you very much.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you very much, Mister President. I rise in support of Senator Stiles' Amendment 2271. I don't actually think I need to clarify what this bill is about; I think Senator Groen did a very good job of explaining what this bill is about. It's taking us from a position of protecting students to a position of using force to maintain order; that strikes me as a bridge too far. Therefore, I think Senator Stiles' amendment brings it back to a place that the statute was intended to have us go in the first place.

Here are some concerns that I was going to speak to the bill, would it have been a motion of Ought to Pass un-amended, and so, the amendment...I'll speak to that, in support of it. I think this creates a particular danger for children with special needs. By eliminating the establishment of a relationship between teacher or child and school employee, and subjecting a child to discipline by someone who is not a teacher or has knowledge of the special needs of those children or knows how to effectively deal with them, I think we're opening up a can of worms that is inappropriate for us to open up. And, there are significant unintended consequences as a result. Again, this bill is more, in my opinion, about control than it is about protecting oneself; I think teachers are fully equipped with legislation currently to use necessary force to do so, and to protect other students.

Some of the unintended consequences: If this bill, 375, un-amended, were to become law, then a school employee could grapple with a child – or a non-employee, but someone who's responsible for the supervision of them off-site – could grapple with a child over a cell phone or shove a child who doesn't take his seat. A cafeteria employee could physically force a child to stand in line or pick up his tray, and a hall monitor could be permitted to grab a child by his lapel and physically escort him to class. These may be things that people want who are supporting this legislation, but I think not, when we realize what the implications of it are beyond some sense of maintaining order and discipline in the classroom. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Prescott, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Sanborn, Odell, Kelly, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, D'Allesandro, Merrill, Morse, Prescott, Stiles.

The following Senators voted No: Groen, White, Luther, Rausch, Bragdon.

Yeas: 19 - Nays: 5

Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on HB 375.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I have someone to recognize in the gallery, if I might. My wife, Patricia D'Allesandro, is here, and I'd like to recognize her.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I, too, have a guest. I have Tracy Uscinski, she works in my business and helps me out a lot, and quite frankly I couldn't be here in the Senate if it weren't for her. So, I'd like to introduce Tracy.

Sen. Forsythe moved to remove HB 542-FN from the table. Adopted.

EDUCATION

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I have a floor amendment that I will offer for this bill that I think fixes the issues with it. I would ask to oppose the ITL recommendation; vote "no" on the ITL. Thank you, Mister President.

The pending question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A division vote was requested.

Yeas: 5 - Nays: 16

Failed.

Sen. Forsythe moved Ought to Pass.

Sen. Forsythe offered a floor amendment.

Sen. Forsythe, Dist. 4

June 1, 2011

2011-2251s

04/09

Floor Amendment to HB 542-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to exceptions for objectionable material in public school courses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State Board of Education; Duties. Amend RSA 186:11 by inserting after paragraph IX-b the following new paragraph:

IX-c. Require school districts to adopt a policy allowing an exception to specific course material based on a parent's or legal guardian's determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2 Effective Date. This act shall take effect January 1, 2012.

2011-2251s

AMENDED ANALYSIS

This bill requires school districts to adopt a policy allowing an exception to specific course material based on a parent's or legal guardian's determination that the material is objectionable.

SENATOR FORSYTHE: Thank you, Mister President. And, I hope not many of us are products of the public school system here, because we don't know when to vote "yes" or "no", including myself.

HB 542 was a bill asserting parental rights. It was very broad in principle, but it had some issues. This amendment greatly limits the scope of the original bill and addresses the unintended consequences that bill may have caused. It is meant to address an issue that was a prime motivator for HB 542. In several school districts, children are required to read books, such books as *The Crack Cocaine Diet*, or watch politically motivated movies. When complaints were made to school boards, they were ignored. I want to say, however, this is an issue for a minority of school boards. Most boards have a policy on objecting to material. However, this policy's not required.

This amendment would require boards to adopt a policy allowing exceptions to specific course materials. Parents and schools would have to work together on a replacement to meet state standards. It respects a parent's privacy by exempting name and reasons for the objection from the right to know laws. It was developed with the help from the School Boards Association, although they can't support it. It provides a balance between parental rights and the school boards' ability to meet standards.

The effective date is based on a recommendation from the School Boards Association to give boards time to adopt it. And so, I ask for your support for parental rights and a vote for this amendment. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: I am in strong support of this bill as amended. Besides Bedford, in our school system, Hollis-Brookline, there was also an extremely offensive book, and I have had many constituents who have contacted me, and also the Reps in my district, very concerned about this. And, I think this bill as amended is very important that we pass. Thank you, Mister President.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I would like to thank Senator Forsythe for working on this, because actually what it does is it brings it to the local level and asks them to address the policy at the local level.

The question is on the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Forsythe is in favor of the motion of Ought to Pass as Amended on HB 542-FN.

Sen. Stiles moved to remove HB 650-FN-L from the table. Adopted.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Yes, I would ask you to vote down the committee amendment so that I may offer a substitute amendment. I want you to vote down the amendment so that I may offer an alternate amendment.

The pending question is on the adoption of the Committee Amendment. Failed.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

May 31, 2011

2011-2227s

04/01

Floor Amendment to HB 650-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts, the governing body of any school district including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of any school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section in a single session for deliberating and voting, and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

2 Repeal. Section 1 of this act, relative to special meetings for school districts, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2012.

II. The remainder of this act shall take effect upon its passage.

2011-2227s

AMENDED ANALYSIS

This bill authorizes a school district to call a special meeting to address changes in the amount of education funding to be received from the state. This authorization is repealed effective July 1, 2012.

SENATOR STILES: I'd like to ask the Senate to move Ought to Pass on this amendment. This legislation authorizes a school district to call a special meeting in the event of changes in the amount of state education funding. This legislation allows for a school district to call a special meeting in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41. This bill also states that the warrant must specify and a public hearing must be posted and held on the amounts of appropriations proposed. The amendment before you contains specific language in regard to warrant articles as well as sets the timeframe by which these communities can call a special meeting as on year ending July 1, 2012. Therefore, the Education Committee would recommend that House Bill 650-FN-L Ought to Pass with this amendment and asks for your support. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Stiles.)

SENATOR BARNES: Yes. Thank you very much, Mister President. Thank you, Senator Stiles. This means, what we have here, that that school board isn't going to have to go in front of a judge to get permission, right?

SENATOR STILES: That's correct.

SENATOR BARNES: Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Boutin moved to remove HB 136-FN from the table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 136-FN, repealing the uniform athlete agents act.

The pending question is on the adoption of the Committee recommendation of Ought to Pass.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

Sen. Boutin, Dist. 16

May 31, 2011

2011-2239s

05/04

Floor Amendment to HB 136-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study youth sports concussions and other concussions received while at school.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study youth sports concussions and other concussions received while at school.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) A physician licensed in New Hampshire or other health care professional, appointed by the governor.

(b) A member from the New Hampshire School Boards Association, appointed by that association.

(c) A member from the New Hampshire Athletic Trainers' Association, appointed by that association.

(d) A member from the Brain Injury Association of New Hampshire, appointed by that association.

(e) An athletics coach from a New Hampshire high school, appointed by the governor.

(f) The director of the division of parks and recreation, or designee.

(g) A member from the New Hampshire Interscholastic Athletic Association, appointed by that association.

(h) A member from the New Hampshire School Nurses' Association, appointed by that association.

(i) The president of a New Hampshire company specializing in head impact biomechanics, or designee, appointed by the governor.

(j) The bureau chief of the bureau of developmental services, department of health and human services, or designee.

II. Members of the commission shall serve without compensation.

3 Duties.

I. The commission shall study:

(a) Youth sports concussions and other concussions received while at school and how the adults involved should educate youths and their parents or guardians about the nature and risk of head injury and concussion, and how best to identify and handle suspected and confirmed youth concussions and brain injuries.

(b) The logistics of implementing a so-called "return-to-play" system, including who can provide medical clearance in a return-to-play system.

(c) What training or certification is necessary to certify that a youth is safe to return to play.

(d) The impact, including but not limited to costs and liabilities, on municipalities and school-based athletic activities of implementing a return-to-play system.

II. The commission shall solicit the advice and expertise of helmet manufacturers on concussion-related issues and any other issue that the commission deems appropriate.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011. The commission shall submit an electronic copy of the signed final report to the office of information technology which shall post the report on the state of New Hampshire's website.

6 Effective Date. This act shall take effect upon its passage.

2011-2239s

AMENDED ANALYSIS

This bill establishes a commission to study youth sports concussions and other concussions received while at school.

SENATOR HOUDE: Thank you, Mister President. What I'm looking at is Floor Amendment 2239. Thank you. Essentially, what 2239 does is strips the text of 136 as it was originally introduced out completely and replaces it with a commission to study youth sports concussions and concussions received while at school. I think this may sound familiar with people in the Senate; we passed it previously, I believe, on a voice vote. There must have been some misunderstanding about this bill in the House, and this would give an opportunity to explain why in fact what was alleged is that people are already looking into this issue is in fact not the case. There was a young woman who testified to have receiving three concussions before she was diagnosed properly. It strikes me that if things are actually being done, that situation would not have happened. There was no objection from – and in fact support for – this bill from the New Hampshire Interscholastic Athletic Association, support from physicians and healthcare providers, support from legislators; I'm not sure what happened, but I'd like to take another bite at the apple, Mister President, and this is what that would endeavor us to do. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the amendment offered by Senator Houde. We all know that concussions are a very serious situation with athletes – male and female athletes across the board. I talked with Pat Corbin of the NHIAA about this; he was in support of this. I also made a call to a friend of mine who's the team physician for the New York football Giants, a man that I played with years and years ago. He sent to me all of the protocols that the National Football League has in place with regard to concussions because of the severity of the concussions being, really, occurring in the National Football League, and the treatment that goes with them. Now, we know that youngsters at all levels, in contact sports, run the risk of having a concussion. What this does is it studies the issue. And, it deserves study. The thing that we want to do is provide the best possible protection for all of our young male and female athletes who are involved in athletic contests, and this allows for that. This is a premise that's being accepted across the country – across the country. And, I think Senator Houde is correct: Our colleagues across must have had a sleep day and not studied the bill properly. And, that happens on these warm days, when you don't have an opportunity to thoroughly invest in a piece of legislation. But, it seems to me this is very appropriate at this particular time. We should get ahead of the curve and we should protect our student athletes by making sure that everything is done to protect their health and safety. This takes us one step further in arriving at that goal. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Houde.)

SENATOR BARNES: Thanks, Senator. I should have caught this earlier, but I didn't. I'm looking at the list of folks that are members of this commission, and I don't see anybody from the House or the Senate on there. And, the only reason I bring it up, I think there's a necessity for that, because I've seen it in the past, we do this and all of the sudden it comes here and everybody's sitting here with no answers to questions that might be asked.

SENATOR HOUDE: Thank you for the question, Senator Barnes. This is the recommendation of the committee that looked at this bill and heard this bill in the Senate. I'm happy to add members of the Legislature to it, or certainly the House, when they take up the bill, could add legislators to it, as well.

SENATOR BARNES: Well, I thank you for that, but I have seen in the past where we've run into a problem when there's nobody from the Legislature on these commissions. I personally think it should be added to this.

SENATOR HOUDE: I would support adding it, Senator Barnes. And, I would say that when this issue was addressed in the House, an amendment was introduced that would have added members from the Legislature to it. And so, that wasn't the issue that I think they failed to study or realize.

SENATOR BARNES: Well, this is a good piece of legislation. I'd hate to come back here in December and January and ask questions and nobody knows some of the answers because somebody from this body wasn't on it to answer those questions.

SENATOR HOUDE: Yes, and I would volunteer myself if a legislator were designated.

SENATOR BARNES: You hear that, Mister President?

SENATOR HOUDE: Reluctantly.

(The Chair recognized Sen. White.)

SENATOR WHITE: Even though I realize the Senate President is having a bad day, I do support this amendment, but I have to ask the question: Is this a germane amendment? Trying to be consistent with Senate Rules.

PRESIDENT BRAGDON: Yes, thank you, Senator White. I, in looking at it, realize it is a non-germane amendment, and before we vote we will have to take a vote to suspend the rules to adopt a non-germane amendment. That will require two-thirds.

President Bragdon ruled Amendment 2239s non-germane.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. And, I want to echo the comments of my good friend and fellow Senator from Manchester. I have heard from a number of university athletic trainers, I've heard from high school coaches, I've heard from parents throughout my district that...And, in fact, over the last month or so, there have been a number of special reports on TV speaking to this issue and the severity of it and the problems that our athletes are facing when they have concussions, and that those concussions...or, the incident of that first concussion is not recognized and dealt with. And so, I wholly support this; I have no clue why the House opposed it. But, in concluding my remarks, Mister President, I would like to ask, in order to address Senator Barnes' question, which I think is a good question, could we Table this and come back with an amendment this afternoon to add House and Senate members?

Sen. Boutin moved to Lay on the Table HB 136-FN. Adopted.

Sen. White moved to remove HB 187-FN-A from the table. Adopted.

FINANCE

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

The pending question is ordering the bill to Third Reading.

MOTION OF RECONSIDERATION

Sen. Sanborn, having voted on the prevailing side, moved to reconsider HB 187, the bill having been previously adopted. Adopted.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 7

June 1, 2011

2011-2267s

09/10

Floor Amendment to HB 187-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Business Profits Tax; Credit for Business Enterprise Tax. Amend RSA 77-A:5, X to read as follows:

X. Taxes paid pursuant to RSA 77-E. Such credit shall be applied in accordance with RSA 77-E:13. No amount of tax paid pursuant to RSA 77-E and used as a credit against the taxes due under ~~[RSA 83-C or]~~ RSA 400-A shall be allowed as a credit under this paragraph except as provided in ~~[RSA 83-C:2-a or]~~ RSA 400-A:34-a. Any unused portion of

the credit allowed under this paragraph may be carried forward and allowed against the tax due under this chapter for [5] 10 taxable periods from the taxable period in which the tax was paid.

2 Applicability. Section 1 of this act shall take effect for taxable periods ending on or after July 1, 2014.

3 Effective Date. This act shall take effect July 1, 2014.

2011-2267s

AMENDED ANALYSIS

This bill changes the carry forward periods for the business enterprise tax credit against the business profits tax.

SENATOR SANBORN: My fellow Senators, I move Amendment 2267 and ask you to consider Ought to Pass. As you all may know, when we talk about jobs being the most important part of our state, we talk about an expanse of the economic base is what we need to do to help work us out of this recession. But, one of the many challenges we have in trying to create jobs or expand the economic base is trying to find investors to come to our state and help make good technologies and provide them the ability to get a reasonable return on their money. You know, we look at a company like Lansing, who operates out of the Pease Air Force Base, which spent seven or eight years investing money into creating a medical technology. And, before they actually became profitable, they had somewhere upwards of 400 employees. With our tax structure in New Hampshire, with the business enterprise tax, through that entire time, they continued to pay business enterprise tax on all those employees, acknowledging they were still losing money. We do have a process in here which allows us a credit against business profits tax to business enterprise tax on investments. What this amendment does is increases the timeframe from five years to ten years by which a company can essentially look back and recover some of those investments once they do become profitable. Now, this amendment is slightly different than what came over from the House, where what passed in the House was essentially rolling this process in over a five-year period. This amendment looks to create it in one fell swoop. Now, recognizing our state's facing some serious financial challenges, as we're all fully aware, this amendment actually will not start until 2014. So, on the date in 2014 is when our companies in New Hampshire will be allowed to begin to look back and increase that timeframe from five years to ten years, which is presently in statute, and let's go try and create some jobs. And, I ask you to support that. Thank you very much.

(The Chair recognized Sen. Larsen for a question of Sen. Sanborn.)

SENATOR LARSEN: I'm curious as to the fiscal effect I anticipated even under the past bill as introduced; it appeared that there would be a credit of \$15 million. Could I ask a question of Senator Sanborn?

SENATOR SANBORN: Senator Larsen, I'd be happy to; thank you very much. The fiscal note, as reported from DRA, has been through several iterations. In 2014, their suggestion today, it could be in the vicinity of \$35 million.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Sanborn.)

SENATOR LARSEN: I fear that this is feel-good legislation; it says that we want to attract jobs, that we want to get businesses here, but by

not making it effective to 2014 – and, I recognize the state's financial situation right now – but by making it effective in 2014, how does that create jobs now, which is when we need them?

SENATOR SANBORN: Thank you so much for the question. And, if you ask me, Senator Larsen, I would put it in right this second. So, if you'd allow me to make that amendment, I would be happy to, if you would support it. Acknowledging you might not, when companies look to invest in our state, especially companies that understand they're going to be investing for some time before they become profitable – Again, I look at Lansing, the company that spent eight years investing money into medical equipment, and now they're one of the best employers our state has. Creating a company in New Hampshire takes time; creating a technology or process takes time, and, admittedly so, I would truly love to see it today and celebrate something we could turn to the business community with, but we all understand that today we don't have that money. So, at least showing the business community that we do hear them, that we're trying to create the processes and procedures by which we recognize their ability to recoup their investments once they do become profitable, I do believe is an important step.

SENATOR LARSEN: Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. In response to Senator Larsen's concerns, bringing a company into the state is not something that happens overnight. Were we to pass this legislation even with an effective date of July 1st of this year, it's not like on July 2nd a bunch of companies would come moving in. However, I have in my district a venture capital person who worked with the Governor's office and worked with Jeff, especially, for a long time in the Governor's office. And, we have already in the State of New Hampshire a capital asset program. And, the federal government has a provision where you can turn that program from what it is now into a VC type of program. And, this venture capital person had people who were willing to lever up our cap money by about a 10-1 ratio. But, when he spoke – and, there were other states in play on this – and when he spoke to the VC guys that he knew that were willing to look at states that would adopt this, this was one of the considerations they looked at. Tax structure is important, particularly when there's going to be a lead time for a long time with losses. For those of us who own businesses now, we already know that the BET is always, with BPT, there's always an offset; it's always there, always has been from the day BET was created. If you don't have profit, you essentially lose the effect of that offset. And, companies are not going to want to pay the BET – which they're going to have to whether they're making money or not; if they have a payroll, they're going to pay BET, with or without a profit. They're not going to be willing to make that investment in a state like this when they can go to another state that does not have that tax structure.

So, I disagree, I guess, to sum up, with the assertion that it's feel-good legislation. You have to send the signal now, because a company that wants to relocate has to look at land acquisition or lease acquisition, they have to look at just a lot of factors to get the process started, and it could take a couple of years. But, sending this signal now, having this bill on the books will get that ball in motion. And, I'd conclude by saying attracting a business is like pushing that big ball that chased Indiana

Jones in the first movie: You have to get it rolling. And, to get it rolling, it takes a lot of effort and a lot of push. But, that's what we're trying to do here, is get it rolling. So, it's definitely not feel-good legislation. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I stand in strong support of this bill as amended. We have, in this state... There was another bill that I've sponsored on the loss carry forward. We have some of the most restrictive structures, tax-wise, in the country. And, that sends a clear message to businesses: "We are not open for business in New Hampshire." And, these are not feel-good; these are solid messages to businesses. We heard a lot yesterday about growing jobs, growing the economy. This is a key bill to do that. And, I heard, when I was in the first few weeks we had tours of businesses in our district and elsewhere, and one of the first things I heard was, businesses said: "It is wrong that I have to pay an enterprise tax when I am not making a profit; that is wrong." And, they made that very clear. And, I'm bringing that message here, and I think we need to send a message throughout the country that New Hampshire is open for business. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I want to applaud Senator Sanborn for bringing this forward. I'm probably the only member in this body – because I don't think Senator D'Allesandro was in the House when this came through the House – and the BET was the grandchild of Governor Merrill, former Governor Merrill. I voted for it. Boy, oh boy. Over the years, have I had businesspeople, including myself, saying: "How in the world can we tax people when they're losing money?" And, I don't understand why it's taken all this time, with all the smart people that have come through this room and the room across the way, to not have changed this many years ago. So, thank you, Senator Sanborn; I'm sure there's lots of businesspeople out there that are there now and that will be in the future that say "thank you" to you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. Just want to clarify that this is not a credit for taxes that businesses paid when they had a profit. This is a credit for taxes that businesses paid when they had a loss. And, for taxes they paid when they had a loss, the credits ought to be carried forward – I think should be carried forward indefinitely, but ten years is a good change from five.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. White moved to remove HB 590 from the table. Adopted.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I would urge the adoption of the committee amendment, and then when we follow, the bill as amended. This bill was brought in in the House with frustration that grants-in-aid were in some ways, some people felt, unconstitutional. And, that's one of the reasons that this has been amended to just simply a study committee; that might have been a little too hot to handle. But, the fact of the matter is there is a problem with grant-in-aid process, particularly under the federal stimulus that we had over the last few years. Grant-in-aid, very often, is a situation where the federal government will bait us into a program with the promise of some up-front money, but then we're on the hook for a lot of rules that perhaps we didn't anticipate, and we're on the hook for perhaps unintended consequences. Sometimes the temptation of taking that up-front money can be too great to resist, and sometimes we leap before we look. I think this is an important study to have, because, again, there are unintended consequences, and I often, even when I was on the outside, before I became a Senator, I used to often comment to other businesspeople that it amazed me that the federal government can have a very small stake financially, but they always get 100 percent of the rule-making, and that used to frustrate me. So, I think this needs to be studied, I think it's a serious issue. The House bill, as it came over, again, I understand there was some broad constitutional language that some people would be uncomfortable with; that's fine. The amendment will take us back to simply a study, just because you may have objected to the House bill as it came over here. The issues are real and they deserve consideration, so I'd urge passage.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. And, I also rise in support of HB 590 as amended. I think the best example of why this is a big issue is No Child Left Behind; it's a program that I think Democrats and Republicans both agree has failed, and it's a program that was enacted by offering money to the states to enact the program. But, it's a complex issue, it needs to be studied; there's no simple solution. So, I hope we will support HB 590. Thank you, Mister President.

The pending question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I simply rise to bring up some of the points that were made in the committee. I'm glad that this is just a study, but as we discussed this, there was no one who could even say what a federal grant-in-aid was, because there is no such thing. There are federal grants and there are some which we accept because otherwise we would not receive federal monies for Medicaid, we would not receive federal monies for highways; there are so many federal programs that if you look at our budget, billions of dollars come in because of federal assistance. So, I

see two members of the Senate, and I'm fearful that, being on Internal Affairs, that may put me sitting on a committee which is going to be studying something which I do not believe needs to be studied. However, because it's a study, it's better than passing the bill. Thank you.

PRESIDENT BRAGDON: I assure you, Senator Larsen, I have two eager volunteers already, who may have already spoken on this issue.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on HB 590.

Sen. Odell moved to remove HB 348 from the table. Adopted.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. I would encourage my colleagues to support the committee amendment, and then Senator Groen will bring forward an alternative amendment, a friendly amendment, which we also should vote for.

(The Chair recognized Sen. White for a question of Sen. Odell.)

SENATOR WHITE: I just want to make sure that I'm clear, that you want us to accept the committee amendment, and then you're going to overlay a pending floor amendment, potentially.

SENATOR ODELL: That is correct, Senator White.

SENATOR WHITE: Thank you.

The pending question is on the adoption of the Committee Amendment. Adopted.

Sen. Groen offered a floor amendment.

Sen. Groen, Dist. 6

May 25, 2011

2011-2172s

04/10

Floor Amendment to HB 348-FN

Amend the bill by replacing section 14 with the following:

14 Campground Bingo. Amend RSA 287-E:12 to read as follows:

287-E:12 Bingo [License] for Private Campgrounds and Hotels. Any private campground or hotel may [apply to the commission for a special campground or hotel bingo license. Licenses may be granted under the following conditions] **conduct bingo games provided:**

[I. The bingo license application fee shall be \$25 per year and shall be nonrefundable.

II. The provisions of RSA 287-E:6, IV and RSA 287-E:7, IV and VI relating to bingo licenses and the operation of games for charitable organizations shall also apply to licenses issued under this section.

HH.] I. The price to be paid for a single card or play under the license shall be \$.10.

[IV.] II. [A license] **The campground or hotel** shall [permit] **conduct** no more than 2 game dates of bingo in any one calendar week [and shall be issued on an annual basis].

~~[V-]~~ **III.** All revenues received from the sale of bingo cards in any game or series of games on any one calendar day shall be paid out to the players. The total value of all prizes, tokens, or awards used, given, offered, or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

~~[VI-]~~ **IV.** Games shall be operated only by persons on the staff of the campground or hotel ~~[holding the license under this section]~~. Such staff shall operate the games without compensation from the bingo revenues.

~~[VII-]~~ **V.** The games of bingo shall be open only to persons 18 years of age or older who are bona fide guests at the campground or hotel.

~~[VIII-]~~ Licenses shall be granted only to campgrounds or hotels in cities or towns which have approved bingo under RSA 287-E.

~~[IX-]~~ **VI.** No campground or hotel shall act as an agent for operating games of bingo when it is unlawful for such campground's or hotel's principal to operate bingo games.

~~[X-]~~ The campground or hotel holding the license issued under this section shall keep records and submit a report as required for agricultural fairs under RSA 287-E:10, VIII, except that the report shall be submitted to the commission within 15 days of the expiration of the bingo license. The report shall include the names and addresses of persons from whom bingo equipment was rented or leased.

~~[XI-]~~ **VII.** The campground or hotel shall have been in existence for at least 2 years in the city or town in which the bingo games are to be conducted.

~~[XII-]~~ The campground or hotel shall be in compliance at the time of application with all applicable state and local requirements for the operation of private campgrounds or hotels.

~~[XIII-]~~ **VIII.** The campground or hotel shall maintain a current list of bona fide guests.

~~[XIV-]~~ **IX.** The campground or hotel shall not have been established solely for the purpose of operating bingo games.

Amend RSA 287-D:2-e, III as inserted by section 23 of the bill by replacing it with the following:

III.(a) All digital records of coverage provided by cameras required by the standards in this section shall be retained for a minimum of 90 days.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of investigations by management personnel, shall be retained for a minimum of 90 days.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(f) All recordings may be destroyed after a period of 90 days, provided prior written notice is given to the commission by the game operator employer and the game operator employer receives written approval from the commission.

Amend the bill by replacing section 25 with the following:

25 New Paragraph; Racing and Charitable Gaming Commission; Authorization of Electronic Gaming. Amend RSA 284:6-a by inserting after paragraph V the following new paragraph:

VI. The racing and charitable gaming commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include, but not be limited to, video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine or historic racing machine. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to January 1, 2011 with updated or new equipment which are the functional equivalent of the machines which are being replaced, provided the equipment is not an electronic gaming device as described in the previous sentence. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

Amend the bill by replacing all after section 26 with the following:

27 Racing and Charitable Gaming Commission; Lucky 7; Authorization for Dispenser Devices. RSA 287-E:21, III-a is repealed and reenacted to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities, provided that the commission shall not authorize the use of any lucky 7 dispenser device which was not in use on or before January 1, 2011, unless such device dispenses a paper or cardboard ticket which has a manual break-open feature and specifications for such dispenser device are contained in the rules of the commission. Any permitted lucky 7 device shall not be in the nature of a slot machine and the outcome of any wager involving a permitted lucky 7 device shall be determined solely by and on the cardboard or paper ticket.

28 Racing and Charitable Gaming; Definition of Bingo. Amend RSA 287-E:1, I to read as follows:

I. "Bingo" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose. ***"Bingo" shall not include any game involving a slot machine or any other device in the nature of a slot machine.***

29 Effective Date.

I. Sections 1 through 22 and sections 25 through 28 of this act shall take effect 60 days after its passage.

II. Section 23 of this act shall take effect January 1, 2012.

III. The remainder of this act shall take effect upon its passage.

SENATOR GROEN: Thank you, Mister President. Amendment 2172s provides additional housekeeping language to the committee amendment. At the request of Racing and Charitable Gaming Commission, this amendment increases the holding period for video recordings from 30 to 90 days. Other language adds clarity to the description of bingo

games, holds current limits on the number of bingo games per licensee per week, and prohibits the licensing of bingo-type slot machines without legislative approval. Finally, this amendment also clarifies that while replacement and new electronic "Lucky 7" dispensing machines will be allowed, those machines cannot be of a video slot machine-type, again, without legislative approval. This amendment has been carefully vetted by various stakeholders in and outside of the racing and charitable gaming industry. I urge adoption of Floor Amendment 2172 to House Bill 348. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

MOTION OF RECONSIDERATION

Sen. Merrill, having voted on the prevailing side, moved to reconsider SB 161, the bill having been previously adopted.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Can you refresh us on what 161 is?

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. Senate Bill 161 made numerous changes to the administrative rulemaking process. And, as it turns out, to get ahead a little bit, but another bill, House bill, that was actually already gone to Enrolled Bills, also has dealt with rulemaking, and in one instance, one bit of policy, there's a one-word conflict that needs to be resolved. And so, that's why it seemed that we needed to initiate this process of reconsidering 161.

PRESIDENT BRAGDON: So, parliamentarily speaking, the motion we need to consider first is reconsideration of the vote last week to concur. If you then want to get to committee of conference on this, which is what Senator Merrill is requesting, we would then need to...

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: What committee did that come in front of?

PRESIDENT BRAGDON: That went to the ED&A Committee.

SENATOR BARNES: And, the Chairman of the Committee is going to say something about this?

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. This was brought to our attention after we had already voted, that there was an issue with some of the language. And, I have no problem with taking it back and fixing it.

PRESIDENT BRAGDON: The parliamentary situation is this: We need to vote to reconsider. We then need to re-vote on the motion last week of concurrence, which Senator Merrill would like you to vote "no" on so she can introduce a motion to ask for a committee of conference.

The question is on the motion of reconsideration. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I ask my colleagues to vote "no" on concurrence so that we can go on to another motion.

Sen. Carson moves concurrence. Failed.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

Sen. Merrill moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Merrill, White, Luther.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Luther, Larsen, D'Allesandro.

SB 45, relative to criteria for designation as a Granite State scholar.

Sen. Stiles moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Stiles, Forsythe, D'Allesandro.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 37, relative to the determination of residency for certain pupils.

SENATE CONCURS WITH HOUSE AMENDMENT

Sen. Stiles moves concurrence. Adopted.

SB 21, relative to exemptions from excavating and drainage permits.

Sen. Odell moves concurrence. Adopted.

SB 98, revising the international registration plan.

Sen. Rausch moves concurrence. Adopted.

SB 99, relative to trailer brakes.

Sen. Rausch moves concurrence. Adopted.

SB 58-FN-A, adding qualified community development entities to the definition of “qualified investment company” under the business profits tax and the business enterprise tax.

Sen. Odell moves concurrence. Adopted.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation.

Sen. Odell moves concurrence. Adopted.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 40, making technical corrections to meals and rooms tax laws.

SENATE NONCONCURS WITH HOUSE AMENDMENT

Sen. Odell moves nonconcurrence.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I disagree with this motion of nonconcurrence and would urge my colleagues to concur, and do intend to call a roll call on that.

Recess. Out of recess.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. At least it's good to see you in a better mood now; I think we've gotten rid of your headache, anyway.

I want to concur with the House, because quite frankly, this contains the 10 cent-a-pack cigarette tax cut, which I've heard from all kinds of border stores that it's very important to them; it will stimulate business for them, it will give us a New Hampshire advantage over the border states, it will be revenue-neutral; in my opinion, I know there's been great debate about that; even my colleague, Senator Odell, had great debate just a few minutes ago here in this chair. But, I believe it will be revenue-neutral. I did have contact with some of the people who arrived at that 10-cent figure, and I said: “Where did that number come from?” And, they said: “If we went higher, it wasn't revenue-neutral; if it was lower, it was of no use”. And, that 10 cents was supposedly a well thought out solution. So, I'm urging my colleagues to vote “yes” for small businesses, particularly along the border stores; vote “yes” for the New Hampshire advantage, and to concur with the House on this bill for those reasons.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to support the nonconcurrence. We have the lowest tobacco tax in New England. Every one of the states that surrounds us – Maine,

Vermont, Massachusetts, Rhode Island, Connecticut – all have much higher tobacco tax. The budget was built with this money in it; it's a \$15 million situation. And, it seems to me that retaining the New Hampshire advantage, which we do, is really what we should be doing. If you reduce the tax by 10 cents, who's going to take up the slack? It's going to be the tobacco companies; they're the ones that are going to be the beneficiaries, not the little retailer; the retailer's in a positive position as we speak – they're in a very positive position. And, we're meeting our goals, our goals based upon what we have in place as we speak. So, I think it's exercising good judgment to nonconcur and to move forward. We have bigger and more pressing issues to deal with than talking about a 10-cent decrease in the tobacco tax. We've got big things to think about. We have the budget; we have the lives of all of the people that we represent. Those are the things that we should be considering as we move forward. And, when we go to conference, we'll stand our ground and make sure that the people are served. Thank you, Mister President.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. I'll be brief and just suggest to you that the testimony before the Ways and Means Committee was equaled; we had one study that said that this would be revenue-neutral; we had another study that said this would be a deficit-creating piece of legislation. So, we had competing dialogue in terms of the economic impact of this 10-cent reduction. Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Bradley for a parliamentary inquiry.)

SENATOR BRADLEY: If I believe that the cigarette tax should be lowered, would I vote "no" on the pending motion?

PRESIDENT BRAGDON: Could you repeat the question, please?

SENATOR BRADLEY: If I agree with Odell – Senator Odell – that the cigarette tax should stay where it is, would I vote "yes" on the pending motion?

PRESIDENT BRAGDON: If you are in favor of the pending motion, you will vote "yes"; if you are opposed, you will vote "no".

The question is on the motion of nonconcurrency.

A roll call was requested by Sen. White, seconded by Sen. Barnes.

The following Senators voted Yes: Bradley, Houde, Groen, Odell, Kelly, Luther, Larsen, Barnes, De Blois, D'Allesandro, Merrill, Prescott, Bragdon.

The following Senators voted No: Gallus, Forrester, Forsythe, Sanborn, White, Lambert, Carson, Boutin, Rausch, Morse, Stiles.

Yeas: 13 - Nays: 11

Adopted.

Sen. Houde moved to remove HB 136-FN from the table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 136-FN, repealing the uniform athlete agents act.

Sen. Houde withdrew Floor Amendment 2239s.

Sen. Houde offered a floor amendment.

Sen. Houde, Dist. 5

Sen. Boutin, Dist. 16

June 2, 2011

2011-2280s

05/04

Floor Amendment to HB 136-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study youth sports concussions and other concussions received while at school.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study youth sports concussions and other concussions received while at school.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the senate president.

(b) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) A physician licensed in New Hampshire or other health care professional, appointed by the governor.

(d) A member from the New Hampshire School Boards Association, appointed by that association.

(e) A member from the New Hampshire Athletic Trainers' Association, appointed by that association.

(f) A member from the Brain Injury Association of New Hampshire, appointed by that association.

(g) An athletics coach from a New Hampshire high school, appointed by the governor.

(h) The director of the division of parks and recreation, or designee.

(i) A member from the New Hampshire Interscholastic Athletic Association, appointed by that association.

(j) A member from the New Hampshire School Nurses' Association, appointed by that association.

(k) The president of a New Hampshire company specializing in head impact biomechanics, or designee, appointed by the governor.

(l) The bureau chief of the bureau of developmental services, department of health and human services, or designee.

II. Members of the commission shall serve without compensation.

3 Duties.

I. The commission shall study:

(a) Youth sports concussions and other concussions received while at school and how the adults involved should educate youths and their parents or guardians about the nature and risk of head injury and concussion, and how best to identify and handle suspected and confirmed youth concussions and brain injuries.

(b) The logistics of implementing a so-called "return-to-play" system, including who can provide medical clearance in a return-to-play system.

(c) What training or certification is necessary to certify that a youth is safe to return to play.

(d) The impact, including but not limited to costs and liabilities, on municipalities and school-based athletic activities of implementing a return-to-play system.

II. The commission shall solicit the advice and expertise of helmet manufacturers on concussion-related issues and any other issue that the commission deems appropriate.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011. The commission shall submit an electronic copy of the signed final report to the office of information technology which shall post the report on the state of New Hampshire's website.

6 Effective Date. This act shall take effect upon its passage.

2011-2280s

AMENDED ANALYSIS

This bill establishes a commission to study youth sports concussions and other concussions received while at school.

SENATOR HOUDE: I appreciate your consideration...I appreciate the chamber's consideration at Senator Barnes' inquiry and to cross all the t's and dot all the i's; you'll see that new members in (a) and (b) have been added: one from the Senate and one from the House.

(The Chair recognized Sen. Sanborn for a question of Sen. Houde.)

SENATOR SANBORN: Thank you so much; I appreciate that. Just looking to see if I see your name in here under the Senator who will be serving?

SENATOR HOUDE: I won't take that question, Mister President.

President Bragdon ruled Amendment 2280s non-germane.

Sen. Houde moved to suspend Rule 3-7 to allow for the introduction of non-germane Amendment 2280s to HB 136-FN. Adopted by necessary 2/3 vote.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 648, relative to eminent domain petitions by public utilities. Re-refer to committee, Vote 4-0. Senator Luther for the committee.

SENATOR LUTHER: Thank you, Mister President. I move HB 648 be Re-referred to committee. This legislation sought to amend the eminent domain statutes and was filed in response to the proposed Northern Pass project.

The Committee heard hours of testimony and received literally hundreds of phone calls, letters, and emails about this legislation; we all know that on our committee. It is perhaps the most contentious and complicated piece of legislation we heard in Judiciary this session. The adoption of this legislation would obviously affect the homes and properties of individuals where the Northern Pass project would go, but could also potentially af-

fect other electrical transmission projects and rates. These are no small considerations, and the Committee was and is genuinely concerned with the dynamics involved with this legislation.

Sentiments expressed at the hearing and in subsequent conversations go well beyond the scope of eminent domain. We need additional time to review proposed amendments and be certain that whatever we recommend is very carefully and thoughtfully balanced in light of the genuine concerns on both sides. While we understand that many wish this to go forward immediately, the few months afforded the Committee members to continue work on this should not otherwise affect the process. For this reason, the Judiciary Committee recommends that HB 648 be Re-referred to committee and asks for your support.

I just want to add a couple of comments – personal comments – as well, beyond this: that this has been a tremendously challenging bill for those of us on the Committee. And, we've all received – we've gotten this, the “no trespass”, and I think we're very sensitive to the property rights issues. And, I have received – I'm sure many Senators have received – really very disturbing letters, emails about the experiences that they've had with helicopters, people knocking on their doors, demanding, really making demands – and these really are inexcusable if they are true.

Also, I must also consider the long-term needs of this state. And, as some of you are probably aware, and one of the concerns that I have is Vermont Yankee is probably going to go offline; that will take a considerable amount of generation out of the grid. In addition, quite a few of the oil-fired plants could go offline, as well. 45 percent of the electricity generation in New Hampshire comes from natural gas. As you know, natural gas is at an all-time low. As that price rises – and, it will rise – it's going to have a very significant impact upon the electricity costs in this state. And, I do think that the overall plan of having this line is helpful, long-term, to the region. This is hydro – hydro is the cheapest by far of any of the renewable energies: probably a couple cents per kilowatt, or whatever it is. And, the cheapest by far of the renewables. It also has no emissions, and I think that that needs to be considered. So, I would just say this has been a big struggle for us on the Committee; we heard from many folks, and I'm looking at both sides of this issue. Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I rise to oppose the Re-refer. There is just too many “what-ifs” that occur with the fact that we may have a problem with our electrical grid later on. If in fact natural gas is at an all-time low, shouldn't we all be investing in natural gas, since we're guaranteed that it's going to go up and up and up? I don't think anybody here would make a bet on that, and yet we're saying that natural gas is going to be our demise, coming in the future, for electric power for the State of New Hampshire. If I were a betting man, which I'm not, I certainly wouldn't bet on natural gas going up just because Northern Pass shouldn't come through, or should come through.

I just want to say that I have had zero companies in this whole state contact me – not one. Not one company contacted me about this issue. Not one. That's amazing. We've been talking about Northern Pass since

January, and not one company has come to me and said: "We should make sure that we get Northern Pass to come through," or, "We should make sure that Northern Pass doesn't come through". But, I tell you what has happened in the last six months, is a lot of people have been concerned about their rights to their private property. And, that's what I'm standing up here, opposed to this Re-refer, because I believe something needs to be done to make sure that people's rights are protected. So many individuals have contacted me and said: "Please stand up for our private property rights. Please do us the courtesy of at least looking at this to postpone what seems to be a real drive to get something done without having the House and the Senate have their opportunity to have their ability to talk about this issue". So, having it Re-referred and putting it off and kicking it down the road is not the answer. I believe that we need to deal with it today; I hope that we do overturn the Committee's recommendation of Re-refer and have some reasonable conversation about this imminent so-called... "Our electrical grid's going to go down if we don't Re-refer this bill". So, thank you very much, Mister President, for the opportunity to speak.

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I rise in opposition to the Committee's recommendation of Re-refer on House Bill 648, relative to eminent domain. And, I'm asking you to join me today in turning down this Re-refer so that I can bring forward a motion of Ought to Pass with a floor amendment. The amendment will place a one-year moratorium on eminent domain for transmission lines, and you might have a draft in front of you. Passage of this amendment will send a message to private property owners that we will defend the Constitution and defend their most basic right to own property and not live in fear that it will be taken by a private developer for profit.

In 2006, the Legislature and the voters amended the State's Constitution to enhance protections against the use of eminent domain. The House voted 277-61 to adopt CACR 30; the Senate voted 24-0 to adopt this; New Hampshire voters enacted on a vote of 85 percent to 15 percent.

As amended, Article 12-a reads: "No part of a person's property shall be taken by eminent domain and transferred directly or indirectly to another person if the taking is for the purpose of private development or other private use of the property." It would seem to follow the language in the Constitution would be enough to assure private property rights. But, when folks from PSNH state publicly that they will use eminent domain as a last resort for their private project, clearly, they don't believe the Constitution applies to them. While public purposes sometimes require the taking of private property by eminent domain as a last resort, it is completely inappropriate that New Hampshire citizens should live in fear of takings by private projects for private gain. And, you know, early on in the process, I had one of the representatives from PSNH come to my office to talk to me about this project. And, she said to me... Well, actually, I said to her: "Well, you shouldn't have to worry about this, because I read in the paper that you've got the property all lined up with the private property owners, that you've made your deal". And, she said: "No, we still need to hold this over their head to make them sell their property". Really? Really? Is this what we're going to let them do to private property owners in

the state? Private property owners should have the right to decide, and they shouldn't be forced to accept a private project for the private gain of others that will forever negatively impact their lives and property values. This legislation needs to be acted on now to assure landowners that their property will not be taken unless they want to sell it. The proposed project is having a negative impact on property values and property sales now; this is why we need to act on this now. The North Country economy is fragile, and the uncertainty caused by this proposed project is causing further harm. This legislation is about protecting private property rights and the simple belief that in New Hampshire, one's home is their castle, and their property should not be threatened without dire need driven by unquestionable public good, and certainly not for the profit of another. A few weeks ago, I was told that PSNH is more powerful than the Senate. And, I have to tell you, I was shocked to hear that, and I couldn't believe it. But, you know, I tell you, there is a perception out there that that's the reality of it.

House Bill 648 is before us because of Northern Pass, but the bill is not before us to stop Northern Pass. Rather, it is before us to stop Northern Pass from bypassing Article 12-a of our Constitution. Senators, not so many months ago, you took an oath to defend the New Hampshire Constitution. We are here to defend the Constitution, not throw it under the bus. I ask you to vote against the Re-refer and let me bring in my amendment for consideration. Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Barnes for a parliamentary inquiry.)

SENATOR BARNES: If this body votes to go with the Committee's recommendation, does that mean that Senator Forrester will not be able to bring her amendment forward?

PRESIDENT BRAGDON: The recommendation we're considering right now is Re-refer. If that were to pass, there would be no further votes; if that were to fail, there would be opportunities for amendments.

SENATOR BARNES: Thank you very much.

PRESIDENT BRAGDON: You're welcome.

SENATOR BARNES: Everyone heard that, I hope.

(The Chair recognized Sen. Stiles for a question of Sen. Forrester.)

SENATOR STILES: Thank you for taking my question. Would you believe that these details could be all worked out with a Re-referral?

SENATOR FORRESTER: I believe that they probably could, but I don't think a Re-referral is necessary. I think we need to act on this now. I think we need, as a Senate, to send a message right now to private property owners that we will stand for them. And, I don't think we need a Re-referral.

SENATOR STILES: Thank you.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Jeanie, thank you for expressing your opinion. Senator Prescott, if you have not been contacted by any one company, I'd be glad to send you the hundreds of phone calls, emails, messages from companies and individuals that I've been barraged with for months on this issue.

We all know this is incredibly complicated. This might be as complicated as anything we've addressed since we've come here – as complicated as the budget. How do we find a way to protect the core values of what makes us New Hampshire, embrace our Constitution, and represent every single person who has asked us to represent them? Now, I also honestly have to say, I need to give a shout-out to everyone upstairs, everyone who's wearing orange and Public Service and everyone involved. For although at times it's been heated, everyone has been professional and polite and understands some of the ramifications we're being faced with. I think it's incredibly important that we separate the Northern Pass project from protecting people's rights under eminent domain. House Bill 648 is about eminent domain for public utilities – not just one project, but every single project. I'm going to ask you to vote down the Re-refer, and will be presenting an amendment that clearly shows this body, this Senate, is going to create a path and a roadmap by which we need to prove to the people of New Hampshire – and every single one of them – that they do have rights under the Constitution, and it is our right to help protect that. I believe it is this body's obligation to help set the course in five, six, or seven different vehicles under which this legislation – which, again, I say is fundamentally flawed – need to be addressed to protect everybody. So, again, I ask you for your consideration for Jeanie and I; our amendments are different, but we have very similar intentions, and I appreciate your time. Thank you very much.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I also rise to urge you to vote “no” on the Re-refer. I think today we have to send a clear message on private property rights. My interest, however, is in protecting private property rights, not in stopping Northern Pass. Bringing this power in will help New Hampshire by lowering prices and providing diversity in our energy supply. However, this project, or any project, must respect private property rights. So, we need to take a look at eminent domain laws very, very carefully; that's something that takes time. Senator Sanborn has talked about the amendment he introduces; the original bill does have flaws. He and myself and Senator Bradley worked until late at night last night working on that – a good statement of purpose – to say what we want to do about private property rights and eminent domain laws. So, I would urge us to bring that forward and vote “no” on this. And, although I originally cosponsored the bill with Senator Forrester on putting on a moratorium, I do oppose that. I think it sends the wrong signal to the business community to do that right now, because it singles out a single project. Also, additionally, PSNH has promised not to use eminent domain for another year, and I believe they've gotten the message; they've seen the debates that we've had, they've seen our resolve for private property rights, and I believe they're going to work with us on this as we revise the eminent domain laws. But, I do believe we need to have a healthy debate, and we have to do that now. And, I urge you to vote “no” on the Re-refer.

What I do want to say in conclusion is, no matter what happens, I know that the Senate is going to continue to work hard on private property rights, and no one has worked harder on private property rights, pro-

tecting private property rights with respect to this project, than Senator Forrester, and I know that she's going to continue that work. Thank you, Mister President.

(The Chair recognized Sen. White for a question of Sen. Sanborn.)

SENATOR WHITE: Thank you, Senator Sanborn. Both yourself and Senator Forsythe have mentioned that you believe the underlying bill that we have in front of us has fundamental flaws. Could you outline a couple of those fundamental flaws for me?

SENATOR SANBORN: Thank you for the question, Senator; I truly appreciate it. You know, from the get-go, the first issue with the bill, it provides no definition of "system reliability". To enable any utility – because, again, remember, I focused this on eminent domain, not a specific project. One just needs to declare the need to protect system reliability without a definition. So, if we passed this bill today, tomorrow, what's to stop any utility for declaring the need for system reliability?

Number two: I believe that we need to look at how we protect people and their ability by reaffirming whether or not a taking is a single parcel or the entire parcel. I think we need to look at this bill, which doesn't talk about how we take state property, municipal property, county property – it's not even discussed in the bill. There are so many issues with this. And, again, I applaud the House, and I'm not here to disrespect the work that they have done. But, there are so many questions that are still open in this legislation as we have looked at it that it needs to be addressed, and I believe the Senate can help make that path. Thank you very much.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. This indeed has been a very compelling debate. And, I think for all 24 of us, we would all agree on a couple of basic premises: A person's property is a person's property. And, that was reaffirmed after the Kelo decision in the United States Supreme Court, by this Senate – and, many of you served in it – on a 24-0 bipartisan basis. Congratulations to those of you who were there and who worked to make that happen.

I think we would also all agree – and, I remember working with a lot of you for a long number of years: Senator Larsen, Senator Barnes, Senator D'Allesandro, on an electric system that did not have the highest average electric cost in the nation. And, the fact that when we did have those highest average electric costs in the nation, we stuck out like a sore thumb; it was terrible for our business environment. We all worked together as Republicans and Democrats not, as legislators that were responsible to the people of New Hampshire to fix a problem that had festered for 25 years and to get us out of federal court with the state's largest utility. That's what we did – that's what we did together. And, just like ten years ago, we have the opportunity today to create a win-win. It's not easy; there's going to be a lot of discussion that we have to get there to do it. But, I'm standing up today to say that those of us who are going to support this initial motion of Re-refer know that we have got to strengthen significantly our eminent domain laws, much as my good friend from Henniker has outlined.

But, let's look at the bill. The bill that was passed by the House cedes authority on reliability for use of eminent domain to out-of-state regu-

lators. When in the world did we think that was a good idea for New Hampshire? And, the moratorium: It won't work unless it absolutely tanks this proposal. If it does, the problem goes away, people can sell their property. But, if it doesn't, it's nothing more than a feel-good piece of legislation, because people, if they want to sell their property, are still going to have to disclose it to a realtor and all those types of things that they're on the route or the alternate route. It feels good, but I question whether it does what it's intended to do. I will also tell you that the process of a public utility getting eminent domain at the Public Utilities Commission is by no means an easy process: it's difficult, it's cumbersome; it will be litigated to death. It will take forever. So, this project is not going to move forward, regardless of what we do today, at the Public Utilities Commission any time soon.

What we should be thinking about is how we create the win-win: Taking our time to do something that's rational, something that protects property rights, and something that protects the energy future of New Hampshire. My good friend from Nashua outlined the fact that Vermont Yankee: A lot of people want to shut it down. Salem Harbor: Units 1 and 2, I believe, are on the shut-down list in Massachusetts. All of the coal plants in New England with the exception of the Bow power plant don't meet the new EPA standards; that's going to be very expensive to upgrade. The oil plants that are here that provide peak power are expensive to operate. So, we're over the natural gas barrel, if you will. And, the one thing I learned from the debate that we had about restructuring our state's electric utility is don't put all your eggs in one basket. Don't deny opportunities for competition in the energy market. You know, we all thought we were really smart when we passed that legislation ten years ago, after a huge amount of work and a gigantic settlement. We all breathed a sigh of relief. And then, you know what happened? California went to blank in a hand basket, and I think you all know what I mean. The price of power skyrocketed because their plants were old, they were unreliable; the price of natural gas was through the roof. It didn't snow, there was no hydro-facilities that were producing enough electricity, and there was lack of balance in pricing. And, that's why the natural gas industry would love us to pass a moratorium on eminent domain; the same people that used eminent domain to get a pipeline in northern New Hampshire. So, let's look at the big picture, do our homework – as we did ten years ago – in passing good legislation that – guess what? – It's still good legislation today, ten years later. I know we can do it; we did it before, we'll do it again. I urge you to vote for Re-refer. Thank you.

(The Chair recognized Sen. Barnes for a question of Sen. Bradley.)

SENATOR BARNES: I'm not going to ask you the score, because they don't play 'til tomorrow. So, you're all set there.

The question I have for you, Senator Bradley, and you brought it up about these power plants closing and what's going to happen. A lot of conversation has gone on, and I plan to address that later if we don't get a Re-referral to go and talk about Senator Forrester's amendment. How much of this power that these lines are bringing in is coming to New Hampshire? I've heard no answer to that. I've heard the question raised at two functions I've gone to, but there was nobody there from Public Service to answer that question, and I hadn't seen it in the paper.

How much of that energy that you have been talking about, with those plants closing down, is coming to the State of New Hampshire through this project?

SENATOR BRADLEY: Well, we're going to have to do a little bit of electricity 101.

SENATOR BARNES: Okay, I'm ready.

SENATOR BRADLEY: After the great 1964 power outage, our nation socialized, if you will, the risk of blackouts by creating power pools. And, New England is in a power pool. And, think of it this way: It's like a lake. You live in Raymond; I live in Wolfeboro. Water comes in from Wolfeboro and water comes in from Raymond. I don't get your water; you don't get my water. But, the water goes into the lake and produces the entire lake. Electricity is like that. And, New England, in our power pool, has precious few interconnections, either to the south of us or to the north of us. And so, while this power, in theory, is being shipped to Connecticut, where there are even more difficulties in siting generation than in New Hampshire, if it happens – and I'm pretty skeptical that it ever will happen, or that it should – but if it happens, it is a benefit, if you will, to New England. And, that's a result of what happened after the 1964 blackout.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Bradley.)

SENATOR BARNES: I don't think I got an answer. Can you give me a real answer of how much of that power is going to be coming into the State of New Hampshire?

SENATOR BRADLEY: All right. Let me try to explain...

SENATOR BARNES: Forget the lake up in Wolfeboro.

SENATOR BRADLEY: Let me try to explain electricity 101 differently.

SENATOR BARNES: Oh, good.

SENATOR BRADLEY: If you plug in your light or your computer at that outlet right back there, there's no guarantee, Senator Barnes, that the power is coming from the Bow power plant, from Seabrook, from one of the wood-burners up north; it goes into the grid. And, that's what happens with electricity.

SENATOR BARNES: So, the answer is, we really don't know, and there's no way to tell, unless we go to electricity 202. Thank you, Senator.

SENATOR BRADLEY: Electricity 101 is the answer.

SENATOR BARNES: Thank you, Senator.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Let's go to electricity 202. I do have an answer for your question; it's about 10 percent that they're committing to New Hampshire, and below-market rates. But, we do have to understand this: that we are in ISO New England, which means all of New England is one grid. Electrons pass state borders; they don't know when they cross, like a car, toll booths, or whatever. So, we have to look at the whole network. And, if you... Basically, we've seen over the last few years, the grids in this country are at great risk. So, we have to do some work in this area.

(The Chair recognized Sen. Barnes for a question of Sen. Luther.)

SENATOR BARNES: I want to talk about your electricity 202, Senator.

SENATOR LUTHER: Yes.

SENATOR BARNES: I asked the good Senator over here, who is very well-versed on power. Now, I know you're a very intelligent man. He couldn't give me an answer; he couldn't come up with that 10 percent number. Where did you get that 10 percent number that the rest of us don't have? Where did it come from?

SENATOR LUTHER: I stood a PSNH person up against the wall and I demanded an answer. I got it from PSNH.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Luther.)

SENATOR BARNES: I asked for a meeting for all Senators... That'll come up later. Okay. Thank you. PSNH gave you that answer?

SENATOR LUTHER: Yes.

SENATOR BARNES: Well, that's interesting. Thank you very much.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Senator Barnes, I, in this case, stand with Senator Luther. And, I've also heard that there are discussions ongoing as to what the benefit to New Hampshire will be. And, you're right, Senator Barnes; there has been a void of conversations as to where the power's going to go in electricity 101 or 202. But, we do know that there are conversations; we do know the conversations would indicate the power presented to New Hampshire will be less than what our current market rates are. And, there are some just suggestions that the savings could approach \$20 million to the ratepayers of New Hampshire specifically. But, I will remind us, this is not an issue relative to Northern Pass. I believe that's a discussion we need to discuss at another day. This is a discussion about eminent domain. So, thank you very much, sir.

(The Chair recognized Sen. Forrester for a question of Sen. Bradley.)

SENATOR FORRESTER: Back to 101. We heard Senator Luther say that we were going to be purchasing 10 percent, or 10 percent would be coming from this. I learned through this process that, actually, New Hampshire exports power. Why would we be getting 10 percent from this project if we're exporting power now?

SENATOR BRADLEY: This is what a public process is all about. And, this is why there is going to be ample opportunity at the site evaluation committee, the Public Utilities Commission, and federal regulators to look at the details of this proposal. I would hope that a significant amount of the power is going to be available in the way that Senator Sanborn indicated, or Senator Luther indicated, for lower cost rates in New Hampshire. But, until the paperwork is filed, and until people have a chance to push the envelope, if you will, I think it's a little bit premature to say it absolutely will happen. Should we be – you and I, and anybody else, if this project's going to move forward – be demanding from Public Service better public benefits? Absolutely. But, this debate today is about the use of eminent domain, and it's about how it may impact our future energy markets, and it's about making sure that we have no unintended consequences. And, I could go back and spend a lot of time here, and I'm sure my good friend from Raymond would remember some of the discussions that we had about unintended consequences in decisions that were made in the 1980s that led, in the 1990s and early part of the 2000s, to the highest

electric rates in the nation. I don't want to go back there. I want to get it right; I want to get it right for property owners, I want to get it right for businesses and consumers, that, quite frankly, need low-cost power. And, I think that's what we're trying to do, and I think the Re-referral creates that win-win opportunity to do it right for the State of New Hampshire and every person and business here.

(The Chair recognized Sen. Forrester for a follow-up question of Sen. Bradley.)

SENATOR FORRESTER: Low-cost power: I keep hearing that. Do we have an idea what benefit New Hampshire's going to get, really, with low-cost power?

SENATOR BRADLEY: Again, the application hasn't even been filed, in my understanding, and it's probably a year away from being filed. It will be litigated at the Public Utilities Commission in a docket that interveners from all across the spectrum will be able to make their case heard, whether it's going to be approved or not, and also at the site evaluation committee, and from federal regulators. That will be the time to demand – of course, we can do something about it right here and now, as you are, and I am – of Public Service that there be better public benefits. One of the reasons I join you in skepticism about this project is I don't think there have been a great list of public benefits for New Hampshire. I think it should expand, quite frankly. There is no question about that in my mind. But, we're talking about eminent domain and, in my view, the broader energy picture, that I want to make sure at the end of the day that we're not making decisions here today that put us over a barrel in the future when it's very difficult to turn the energy picture around. I mean, think of the pain that we're all experiencing at the gas pump right now. Well, guess what? That's decisions made a long time ago: not to drill in ANWR, not to drill off the coastal shores, not to do a lot of things that have raised the price of gasoline. Let's not do that here.

(The Chair recognized Sen. Forrester for a follow-up question of Sen. Bradley.)

SENATOR FORRESTER: Well, with my proposed floor amendment, it would be a one-year moratorium. How does that affect the project?

SENATOR BRADLEY: Well, the problem, Senator Forrester, as I indicated before, I don't think it's going to work, because unless it absolutely tanks the project, the same uncertainty for property owners is going to be there even if we pass this bill and it is in law; you'll have to disclose it on your, you know, if you're trying to sell your property. And, I don't think it solves the problem; I wish it would.

(The Chair recognized Sen. Barnes for a question of Sen. Bradley.)

SENATOR BARNES: Senator Bradley, this is an easy one. It's a "would you believe?" Would you believe that I think that if Public Service had had that meeting with all 24 of us Senators, to brief us and answer our questions, this debate wouldn't be going on right now? What I asked for never did happen; it's unfortunate. But, would you believe that I think a lot of this conversation wouldn't be happening here today if we all had have been better informed by PSNH of what was going on? Yes or no is as good answer.

SENATOR BRADLEY: I think there's a lot of answering that they will have to do to you, Senator Barnes.

SENATOR BARNES: Thank you very much, Senator.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: I'll make it quick, Mister President. I just wanted to continue towards the energy 401, now. But, yeah, the power is fungible because it's on the pool. So, even if we don't buy any of the power, the power that other people would have bought we can then buy at a lower price, etcetera. So, it should save money; how much is a good question and needs to be answered. I also want to point out this potential project is one of the few if only projects or energy sources that would not be subsidized. However, like Senator Sanborn, I want to again remind us this is not about this particular project; this is about private property rights. I personally believe eminent domain shouldn't be used for the line to connect to the grid, and we need to show respect for the private property owners, and I am hoping that will start to happen now that we're having this conversation. Thank you, Mister President.

Sen. Stiles called the question. Without objection President Bragdon closed debate with remaining speakers.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. First of all, as a member of Senate Judiciary, I would like to offer my good wishes to our Chairman, who ran what ended up being a fairly difficult public hearing and very, very lengthy. And, I'd like to point out here today that the discussions that are taking place here on the floor pretty much mirror what happened during the public hearing. While it started out discussing eminent domain, it devolved into a discussion about the Northern Pass. I would like to ask my colleagues, how many of you have read the statutes concerning eminent domain? How many of you have read the administrative rules dealing with eminent domain? We have some problems with those statutes and with those rules that we as a body need to address. We need to strengthen that procedure to protect our property rights here in New Hampshire. And, I would just like to conclude by saying I am very disappointed in PSNH; I've seen this tactic used before in my community, in a project that went through my community. And, one of the things that I would like to do is to be able to address that type of behavior within either our administrative rules or within legislation. And, I'd also like to point out that during the Committee discussion, we even discussed whether or not we need to pass another constitutional amendment that deals with the taking of land by public utilities. This is not an easy subject, and the Committee is determined to do the work; we have even discussed having public meetings up in the North Country, because in many of the emails that we received – and I know that I have received – people felt that they didn't have an opportunity to really say the things that they wanted to say. We are very sensitive to all citizens who come to us, and I think they deserve that opportunity. And, again, I just would like to be on the record saying that as a member of the Committee, we have talked about doing that. And, I'm hoping that we can Re-refer this bill, that we can do the work that needs to be done to protect the private property of every citizen in the State of New Hampshire. Thank you very much, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Carson.)

SENATOR BARNES: If you have these meetings, do you believe that you will be able to get Public Service to participate, or are they going to thumb their nose at you like they did at me?

SENATOR CARSON: Well, thank you for the question, Senator, and I will make a very strongly worded suggestion that they participate in these hearings.

SENATOR BARNES: You will make the suggestion, but that doesn't mean they'll do it.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. Very briefly, I'll try to answer Senator Barnes' questions about the pool. I think the answer is quite simple: New Hampshire gets 10 percent of the energy that comes through this line if it comes. And, the reason I say that is because this is a pool: water flows into the pool, New Hampshire gets 10 percent of their electricity from the pool, so anything that goes in, they get 10 percent. Now, I want to remind all of us that if we're 2 percent short of power come a hot July day, and that power causes a brownout or blackout, all the people of New Hampshire are affected by that, along with the rest of our pool. Now, going on from that, we here, I believe, are all strong advocates of private property rights; I am. I just want to read the amendment that was passed in 2006, read the exact wording for our...just for the record: "No part of a person's property shall be taken by eminent domain and transferred directly or indirectly to another person if the taking is for the purpose of private development or other private use of property." So, I think the key there is for use of another as private use property. We have to uphold this constitutional provision and the people's will in passing it to the full extent of the law. Now, where are we right now with eminent domain? Our current law allows private property be taken by eminent domain when a utility proves through a very rigorous process that such taking is justified. I support that concept of eminent domain usage for utility purposes, narrowly construed, when needed, to provide not only for system reliability as is stated in the law, but for reliable and long-term supply of electric power. And, I think that herein comes the issue that we haven't addressed is: How do we define that long-term need? Who defines it? How long is the period of time we look out? Those are questions that need to be answered. This is good for New Hampshire citizens, to make sure that we have an adequate supply of reliable power at a reasonable cost; it's good for New Hampshire citizens, it's good for long-term business success and prosperity, which I would say is also good for New Hampshire citizens, and it's good for our state government and our budget to have a good, strong business community. The current situation: Northern Pass, LLC is not a utility. Under our current law, they can't apply for eminent domain. Northern Pass and its parent company have not gone through the rigorous process that's required to determine whether they can use eminent domain on this project. Yet, we heard substantial testimony that Northern Pass representatives have used the threat of eminent domain to bully private landowners into selling land for this project. I think that this practice is reprehensible; I think it's bad business. I believe that they created the firestorm of opposition by not following the due process of law. So, we need to balance the constitutional mandate to protect property rights with the long-term needs of our state and of our citizens. The use of eminent domain for utility projects is established in our state law. It's use has to be carefully applied to ensure the proper constitutional balance with our new constitutional amendment. Most of our eminent domain law predates deregulation of our utility industry. We need to carefully study our law in the light of our current utility and regulatory status

and our recent constitutional amendment. Now, with that, it's obvious that I would recommend Re-refer, and I do. And, the reason that I will vote against this initial recommendation of Re-refer, though I voted for it in committee, is because I believe that we need to give, and I need to give, my fellow colleague, Senator Forrester and Senator Sanborn, an opportunity to present their amendments; I think it's part of the open process that we value here in the Senate. And, so in the initial vote, I will vote against the Re-refer to allow that process. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Barnes for a parliamentary inquiry.)

SENATOR BARNES: I asked a parliamentary question about an hour ago, so I'd like to bring it up one more time. If this group votes to non Re-refer, that allows our two Senators to bring their amendments forward. If we vote to Re-refer this, it's dead and buried; those amendments will never see the light of day.

PRESIDENT BRAGDON: If the motion to Re-refer is adopted, the debate is over. If the motion to Re-refer fails, there will be opportunity for other amendments.

SENATOR BARNES: Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Boutin for a parliamentary inquiry.)

SENATOR BOUTIN: If the Re-refer motion passes, will those Senators' amendments be able to be heard by the Committee during their study?

PRESIDENT BRAGDON: During the interim period before January, I'm sure the Committee will be open to –

SENATOR BOUTIN: So, they will not die. Thank you, Mister President.

The question is on the adoption of the Committee recommendation of Re-refer to committee.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Bradley, Houde, Odell, Kelly, Luther, Carson, Larsen, Boutin, De Blois, Rausch, D'Allesandro, Merrill, Morse, Stiles.

The following Senators voted No: Gallus, Forrester, Forsythe, Groen, Sanborn, White, Lambert, Barnes, Prescott, Bragdon.

Yeas: 14 - Nays: 10

Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HB 51, relative to screening panel members for screening panels for medical injury claims.

HB 82, relative to the annulment of criminal records.

HB 130, relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

HB 136-FN, establishing a commission to study youth sports concussions and other concussions received while at school.

HB 141, relative to the treatment of cable television as a protected utility service.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute.

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

HB 276-FN, relative to wine manufacturers.

HB 348-FN, relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 489-FN, establishing a health information organization corporation.

HB 490-FN, adopting the interstate compact for juveniles.

HB 505-FN, making charter schools eligible for grants for leased space.

HB 511, relative to retired judges over 70 years of age.

HB 519-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 542-FN, relative to exceptions for objectionable material in public school courses.

HB 565, establishing a dental hygienists committee within the board of dental examiners.

HB 590, establishing a committee to review state participation in federal grant-in-aid programs.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

ANNOUNCEMENTS

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. I just want to remind all the Senators that this Sunday afternoon at 2:00 in Meredith we are having the ribbon-cutting for the late Carl Johnson for the sign on Johnson Bay. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, as you mentioned at the beginning of our session, New Hampshire lost one of its great public servants last evening, with the passage of Walter Peterson: our former Governor, our former Speaker of the House, but most of all, public servant.

Now, what does the word "public servant" mean? Public servant means that you give more, and ask for nothing in return. And, that's what Walter Peterson was: a man who gave more and asked nothing in return. My life was made better by my association with Walter Peterson.

In this life, we meet very few people that we can call truly great, great Americans. Walter Peterson was a great American. No man that I have met ever did more for this state, and for many, many people, than Walter Peterson. I worked with Walter Peterson for ten years at Franklin Pierce University. I worked with him when I was President of Daniel Webster College. I spent many, many hours with Walter Peterson; he'd come to my home, we'd sit down at my kitchen table, we'd talk about things; we'd talk about life. And, Walter always was thinking about how he could make life better for somebody else. I don't think there's a cause in New Hampshire that Walter didn't contribute to. I don't think there's a place in this state that Walter didn't visit, as the Governor, as the Speaker, as the President of Franklin Pierce, as the President of the University of New Hampshire, as the Chancellor of the Community College System.

You know, Walter was always giving. He always had time for you; always had time. And, we know time's a very precious thing. Walter lived 89 years; it wasn't enough, because we always wanted more of Walter Peterson. You know, one of the great things about this political life is, I was told early on in the process that when you speak, you should always want people to want a little bit more when you leave. Well, we all want a little bit more of Walter Peterson, because that piece of Walter that we have and that we shared was so precious that we wanted to hold onto it. But, all of us know you can't hold onto life, because life has a finite value, and we're only here for such a short, short period of time. But, in Walter's lifetime, he did so much. He left a legacy. And, in my opinion, the legacy is this: Do what you can for others, because in the long run, you'll get it back a hundredfold.

As I said, Walter made my life better. But, I'm sure he affected the lives of everybody in this room, and really, everybody in this state, by making their lives just a little bit better. If we believe that there's something after this, Walter is there, and his presence will be felt as long as we're alive. Men like Walter come along once in a lifetime – once in a lifetime. You know, I said that about my dad, but I say it emphatically about Walter, because he set a model for all of us: a public servant, a community activist, a giver – a giver – well beyond anything that any of us know about. He was a giver.

His wife, Dorothy, is the greatest – just a tremendous woman. His children, Andy, and his daughter, Meg, you know, went through a tough life; this politics is a tough business. And, let me tell you that Walter was able to keep it all together during some very, very difficult times. But, I know that if he were here today, he would say that hey, he loves all of us, there's enough love to go around, and let's think positively about

the future, and let's carry with us the great work that Walter has done, and let's try to replicate the work that Walter has done. In any way we can, let's try to make life better for the people that we associate with. Thank you, Mister President.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: C. McGuire, Pilotte, Winter, Bowers.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Flanders, Nevins, Taylor.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 91, relative to automatic fire suppression sprinklers.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sterling, Ferrante, B. Patten, Burt.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 92, establishing an economic strategic commission to review the relationship between business and government.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: C. McGuire, P. Schmidt, Proulx, Hansen.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Flanders, Manuse, Leonard.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 135-FN-A, relative to election returns and election records.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 72-FN, establishing a comprehensive cancer plan fund.

SB 108, relative to emergency obstetrical care.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

CACR 14, Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 52, relative to grounds for modification of parental rights and responsibilities.

HB 191, relative to the community mental health system.

HB 218, relative to the New Hampshire rail transit authority.

HB 322, relative to occupancy fees charged by manufactured housing park owners.

HCR 9, urging the President and Congress to address the privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency at the nation's airports.

May 25, 2011
2011-2182-EBA
06/10

Enrolled Bill Amendment to SB 30

The Committee on Enrolled Bills to which was referred SB 30

AN ACT relative to including a parent's residence in the parenting plan.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 30

This enrolled bill amendment inserts a renumbering contingency to resolve a conflict with HB 174 of the 2011 legislative session.

Enrolled Bill Amendment to SB 30

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 174 of the 2011 legislative session becomes law, RSA 461-A:4, III as inserted by section 1 of this act shall be renumbered as RSA 461-A:4, IV.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 20, 2011
2011-2064-EBA
04/05

Enrolled Bill Amendment to SB 86

The Committee on Enrolled Bills to which was referred SB 86

AN ACT requiring the department of labor to warn employers of certain violations prior to imposing a fine.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 86

This enrolled bill amendment inserts an omitted paragraph number reference into the amending language of section 3 of the bill.

Enrolled Bill Amendment to SB 86

Amend section 3 of the bill by replacing line 1 with the following:

3 Civil Penalties. Amend RSA 157-B:13-a, II to read as follows:

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 1, 2011
2011-2262-EBA
03/04

Enrolled Bill Amendment to SB 116

The Committee on Enrolled Bills to which was referred SB 116

AN ACT relative to the manufactured housing installation standards board and relative to the definition of a modular building.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 116

This enrolled bill amendment inserts gender-neutral language.

Enrolled Bill Amendment to SB 116

Amend RSA 205-D:9, I as inserted by section 3 of the bill by replacing lines 1-2 with the following:

I. The board shall not issue a license to any person unless the person *or his or her employer on his or her behalf* has posted a surety bond or letter of credit to be held by the state treasurer in an amount

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 2, 2011

2011-2276-EBA

05/10

Enrolled Bill Amendment to SB 156-FN-LOCAL

The Committee on Enrolled Bills to which was referred SB 156-FN-LOCAL
AN ACT authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 156-FN-LOCAL

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 156-FN-LOCAL

Amend RSA 261:74-p as inserted by section 5 of the bill by replacing line 2 with the following:

for registration, or transfer of motor vehicle registration of a natural person unless the applicant

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 6, 2011

2011-2286-EBA

06/10

Enrolled Bill Amendment to HB 175

The Committee on Enrolled Bills to which was referred HB 175

AN ACT relative to technical changes in life, accident, and health insurance.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 175

This enrolled bill amendment inserts a contingency to incorporate changes made by HB 31 of the 2011 legislative session.

Enrolled Bill Amendment to HB 175

Amend the bill by replacing all after section 9 with the following:

10 Health Services Corporations; Reference Additions; Contingent Version. RSA 420-A:2 is repealed and reenacted to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA

415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

11 Health Maintenance Organizations; Reference Additions; Contingent Version. RSA 420-B:20, III is repealed and reenacted to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

12 Contingency. If HB 31 of the 2011 legislative session becomes law, sections 10 and 11 of this act shall take effect January 1, 2012 at 12:01 a.m. If HB 31 of the 2011 legislative session does not become law, sections 10 and 11 of this act shall not take effect.

13 Effective Date.

I. Section 8 and 9 of this act shall take effect upon its passage.

II. Sections 10 and 11 of this act shall take effect as provided in section 12 of this act.

III. The remainder of this act shall take effect 60 days after its passage.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 23, 2011
2011-2120-EBA
10/03

Enrolled Bill Amendment to HB 381

The Committee on Enrolled Bills to which was referred HB 381

AN ACT authorizing net metering for micro-combined heat and power systems.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 381

This enrolled bill amendment corrects an RSA reference.

Enrolled Bill Amendment to HB 381

Amend RSA 362-A:9, I as inserted by section 3 of the bill by replacing line 12 with the following:

RSA 362-A:1-a, I-d.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 2, 2011
2011-2275-EBA
08/03

Enrolled Bill Amendment to HB 585

The Committee on Enrolled Bills to which was referred HB 585

AN ACT proclaiming the third week of October as New Hampshire history week.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 585

This enrolled bill amendment rennumbers a new RSA section to avoid a conflict with HB 56 of the 2011 regular legislative session.

Enrolled Bill Amendment to HB 585

Amend section 2 of the bill by replacing lines 2-3 with the following:
Amend RSA 4 by inserting after section 13-p the following new section:
4:13-q New Hampshire History Week. The governor shall annually issue a proclamation calling

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 30, relative to qualifications for licensure by the board of veterinary medicine.

HB 31, relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.

HB 47, relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate.

HB 133, relative to the minimum wage.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

HB 258, eliminating certain unenforced election laws.

HB 291, relative to permissible fireworks.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

HB 397, relative to image display devices in motor vehicles.

HB 419, relative to language in insurance certificates.

HB 461, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 532, relative to municipal liability for dog bites.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.

HB 544, relative to state authority over firearms and ammunition.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 594, relative to the application of procedures for discharge or suspension from county employment.

HB 647, relative to withholding of wages.

SB 20, relative to shoreland protection permits.

SB 32, relative to water withdrawals for snow making.

SB 38, relative to extensions for wetland and shoreland permits.

SB 47, extending the commission to study water infrastructure sustainability funding.

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

SB 111, relative to short sales of a homeowner's residence.

SB 121, relative to the application of the worker adjustment and retraining notification act.

SB 128, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.

SB 179, relative to qualified purchasing alliances.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

CONFEREE CHANGES

SB 91, relative to automatic fire suppression sprinklers.

CONFEREE CHANGE: SEN. FORRESTER REPLACED SEN. MERRILL

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

June 8, 2011

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditation and prayer.

Just one moment ago, President Bragdon let me know about something you all may have already heard: that just recently, Private First Class Michael Cook, a graduate of Salem High School, a child of New Hampshire from Senator Morse's District was killed in Iraq. I'd like for us, before we continue today, to honor his sacrifice with a moment of silence.

When religious people of just about any kind encounter the mystery that is death, when we look at that image of death and new birth and new life that comes after it, almost every religion looks at that symbol of the setting sun, and its rising the next day.

According to the old Greek myth, it was Hercules in his final labor who had to go to the Garden of the Hesperides, way out in the west, on the

west, past the horizon, the place where the sun sets. He would go to the Garden and retrieve the gleaming golden apples that shine like the setting sun.

There's a Christian hymn for all the Saints that has the marvelous verse in it that says: "The golden evening brightens in the West. Soon, soon to faithful warriors come to their rest. Sweet is the calm of Paradise, the blessed." If it's Private Cook, if it's you or somebody else in this room, I know all of us and all of you have made sacrifices and made much hard work during this session and season. Last week, I was emailed three Senate Calendars in my email; I know how hard you all have worked, and I know how much – no matter what vote you've taken on either side, I think everybody has taken a beating for no matter what vote you took on any issue. The work has been difficult. But, soon, soon to faithful Senators comes their rest. Remember that soon it will be time to go home, it will be time to sit on your porch to drink the refreshing beverage of your choice, and to sit and watch as the session ends, as the day ends, to watch the sun set. Let us pray.

O, Lord, support us all the day long, until the shadows lengthen and the evening comes, and the busy world is hush, and the fever of life is over, and our work is done. Then, in Your mercy, grant us safe lodging and a holy rest, and peace at the last. Amen.

Sen. Merrill led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

PRESIDENT BRAGDON: We do have two Pages today; I will introduce them: Valerie Magri – Valerie, would you stand? Valerie is 17 years old, a 12th grader homeschooled in Milford with classes at Milford High School. Her favorite subjects are engineering, computers, and art; her favorite authors are two people I've never heard of before: Jasper Fforde and Roger Zelazny. Extracurricular activities include computer team, FOCUS, camp counselor, choir; in the future she hopes to become an excellent video game designer. Welcome to the New Hampshire Senate.

Our second Page today is Selma Lacic. Selma is staying with the Magri family in Milford presently, has been attending Chelmsford High School as an exchange student from Bosnia and Herzegovina. The name of her school back home is the Tuzla High School. Her favorite subjects include math, history, and international relations. Her favorite book is *Love Thy Neighbor* by Peter Maass and everything about Nelson Mandela. Extracurricular activities include playing basketball. In the future she hopes to become an agent for change in Bosnia and Herzegovina, a good leader who will do excellent things for her people. She would like to be a diplomat, lawyer, or a judge. She is very interested in politics and making changes back home. Welcome to the New Hampshire Senate.

ANNOUNCEMENTS

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I'd like to acknowledge that we are today recognizing the passage of Governor Peterson, and in that regard, Senator Lou D'Allesandro is attending that funeral and will not be present for the session and any roll call votes. And, I think on all of our behalf we wish the Peterson family peace and some solace in the love that he and respect he gained over the years he served our state. Thank you.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

Sen. D'Allesandro is excused for the day.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 50, making various changes to laws regulating trusts and trust companies.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

Sen. Prescott moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Bradley, White, D'Allesandro.

Sen. White asserts Rule 2-15 on SB 50.

SB 70-FN, relative to remedies in landlord-tenant actions.

Sen. Prescott moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Prescott, De Blois, D'Allesandro.

SB 162-FN, relative to federal health care reform 2010.

Sen. Prescott moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators White, Forrester, Houde.

Sen. White asserts Rule 2-15 on SB 162-FN.

SB 68, relative to records of disciplinary actions taken by the electricians' board.

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Gallus, Luther, Larsen.

SB 75-FN, relative to clarification of part-time service in the state retirement system.

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Groen, Bradley, Larsen.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

Sen. Carson moves nonconcurrence and requests Committee of Conference. Adopted.

President appoints Senators Carson, Luther, Larsen.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

Sen. Stiles moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Stiles, Forsythe, Kelly.

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

Sen. Stiles moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Rausch, Stiles, Kelly.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

Sen. Stiles moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Stiles, Forsythe, Kelly.

SB 12-FN, relative to screening panels for medical injury claims.

Sen. Houde moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Houde, Groen, Luther.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Sen. Houde moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Groen, Luther, Houde.

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

Sen. Houde moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Boutin, Groen, Houde.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

Sen. Houde moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Houde, Groen, Luther.

SB 115, relative to observing voter check-in.

Sen. Barnes moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Barnes, Boutin, Merrill.

SB 193, relative to nomination of political organizations.

Sen. Barnes moves nonconcurrency and requests Committee of Conference. Adopted.

President appoints Senators Boutin, Forrester, Merrill.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 172, relative to performance-based school accountability criteria.

SENATE NONCONCURS WITH HOUSE AMENDMENT

Sen. Stiles moves nonconcurrence.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I just rise... We tabled 164 without any discussion. This version of the bill adds the language from 164, dealing with common core standards. This bill would limit the adoption of common core standards to make it so it needs legislative approval. Common core standards are national standards, and I supported the House position, and I would ask that we concur. Thank you, Mister President.

PRESIDENT BRAGDON: Thank you, Senator Forsythe. And, I apologize; I neglected to ask Senator Stiles for an explanation of the changes.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. The House amended the bill by adding the language for the common core standards, which we had tabled. In review of this, the performance-based accountability will not be implemented until 2012 and 2013, and the task force charged with coming up with that criteria will give another report in November of this year. So, the sponsors of the bill felt that there was no immediate need to pass this legislation, and would give the task force the opportunity to review all of the criteria again and come forth with their final recommendations. And, therefore, we ask you to nonconcur.

The question is on the adoption of nonconcurrence. Adopted.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.

SENATE CONCURS WITH HOUSE AMENDMENT

Sen. Prescott moves concurrence.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. As passed by the Senate, the bill exempts seller-financed transactions that occur no more than three times in one year from a licensing requirement under the nondepository first mortgage bankers and brokers. As amended by the House, the House simply inserted clarifying language that the final regulations issued by U.S. Department of HUD – Housing and Urban

Development – will supersede this law if they are in conflict. Given this clarifying amendment, the Commerce Committee recommends concurring with the House. Thank you, Mister President.

The question is on the adoption of concurrence. Adopted.

Sen. Groen asserts Rule 2-15 on SB 28.

SB 120, relative to alcoholic beverage advertising restrictions.

Sen. Prescott moves concurrence.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. As passed by the Senate, this bill allows licensees to advertise liquor and beverage prices separately from any other advertisement or promotion, but also allows a local opt-out by the legislative body of any city or town. As amended by the House, the prohibition of advertising for exterior signs is expanded to public rights of way. Additionally, the House includes a temporary local opt-out by the governing bodies of cities or towns. Given that the amendments allow for local control, the Commerce Committee recommends that we concur with the House. Thank you, Mister President.

The question is on the adoption of concurrence. Adopted.

Sen. Sanborn asserts Rule 2-15 on SB 120.

SB 189, relative to the definition of mortgage loan originator.

Sen. Prescott moves concurrence.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. As passed by the Senate, this bill brings state law into compliance with new federal rules and granting an exception from mortgage loan origination status to those performing purely clerical administrative tasks in doing so under the provision of a licensed person. As amended by the House, the exception is more clearly defined in the House's amendment. Commerce recommends concurring with the House position for this clarification. Thank you very much, Mister President.

The question is on the adoption of concurrence. Adopted.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

Sen. Carson moves concurrence.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. The only language that was added by the House requires that the Commissioner of the Department of Agriculture, Market, and Foods to make an annual report to the House and the Senate regarding consumer complaints, inspections, and audits, and the Committee agreed that that was acceptable, and so we will concur with the House.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. Putting aside whether good or bad sides were taken on the performance of the Department of Agriculture in their just-given, probably less than two years ago, the opportunity to take care of weights and measures, as it has been done for 100 years, I believe, prior to about 20 years ago. Whether they did a good job, whether the people in Commerce are for it or the people in the public feel better protected or not, is really dif-

ferent than why I'm standing. There's two sides of that argument. We need not to lose sight of our goal of what our duties are, and that is for weights and measures is a government process. Protecting both sides of Commerce and the public is our goal, and that's protecting both the business interest and the public interest.

The history of this is 100 years ago, I would assume that state government took care of weights and measures, as Article 1, Section 8 of our U.S. Constitution says that we should take care of weights and measures. I think we've been doing that for a long time. Twenty years ago or so, inspectors were removed from the budget in a process of a budget, not a process of a bill. And so, we lost inspectors, we lost control of the Department of Agriculture over this process of weights and measures. And, in 2009 – and that was done without a public hearing, by the way. We're always talking about open honest government – years ago, that was done in the budget; it was not done in a public hearing as a bill. In 2009, House Division I Finance was approached by the Department of Agriculture with this issue, and they were kind of taken aback a little bit and said, you know: "I thought government was supposed to take care of weights and measures." So, Representative Scamman at the time championed changing the direction of weights and measures back to where it originally was, back to the original intent. And, Senate Finance put it in the budget. I don't know who sat on Senate Finance in 2009, but Senate Finance put inspectors in the budget and put control of weights and measures into the Department of Agriculture, back where it was. And, that's just a little bit of a history.

And, I kind of shift a little bit, if someone came to me in 1960 as a bill, and I was a sitting Senator, and said: "Let's take weights and measures out of government control and let's give it to the private sector," I would probably say: "No". And, setting aside whether they're doing a good job or bad job, let's keep our eye on the ball. What is the goal of government? The goal of government is to protect the public interests and protect commerce; that's the goal of government. And, I think that's where we need to stand on this bill, and I urge the full Senate to overturn the concurrence with this new bill that's going to reverse the whole thing back to the private sector; whether they're doing a good job or not is secondary. And, whether the Department of Agriculture is doing a good job or not is secondary. I believe it belongs in the State responsibility, is to take care of weights and measures – I just want to reiterate that: We're talking about weights and measures. When you take our U.S. Constitution, it says the government shall have control over weights and measures. We're going to give it back to the private sector? I'm interested in overturning this concurrence and say it's nonconcur, and let's go to a committee of conference, because we don't want to go far one side – 20 years ago – far the next side – two years ago – and then again back to the other side today. Let's find the middle ground. Let's take some circumstances that could happen if we pass this bill. Let's say that someone goes into a scale, finds out it's wrong; they repair it, they recertify it and say: "Hey, everything's great." There's no notification to the State of New Hampshire that that takes place, there's no signing an affidavit with penalties of law if they didn't do a good job, none! None! We should not pass this bill at all. The public interest is at stake. Let's get it done by reversing this bill, making it nonconcur, and all I'm asking for is a little bit of collegial acceptance for one more meeting – a little committee of conference. I implore this great Senate to stand up for weights and measures: a government's responsibility. Thank you very much, Mister President. Good day.

(The Chair recognized Sen. Barnes for a question of Sen. Prescott.)

SENATOR BARNES: Good afternoon.

SENATOR PRESCOTT: Best to you.

SENATOR BARNES: Senator Prescott, if this piece of legislation went to that little committee of conference you're looking for, do you think it would address the concern that I brought up in caucus today about being at a gas station Saturday – a very busy gas station – with a sticker on there that said 2009 on it?

SENATOR PRESCOTT: That is an amazing story – to see an inspection taking place more than a year-and-a-half ago, you're saying, Senator?

SENATOR BARNES: The sticker said 2009.

SENATOR PRESCOTT: I would think that we could be able to get some little tweaking to this bill, get it to a committee of conference, and take care of that, and I would appreciate your support.

SENATOR BARNES: I... Well. I'll be quiet. You've answered my question.

SENATOR PRESCOTT: Thank you very much, Senator Barnes.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. And, while I can appreciate the comments of my esteemed colleague from Exeter, I vehemently disagree with his comments. We have discussed and debated the merits of this bill twice in this chamber: first as a policy and second as coming out of Finance. All this does is that it asks that this department start to keep a record of complaints; that's the only difference between what we passed and what the House passed. I think at this point, to open this bill up to reinterpretation because there's some sort of a middle ground someplace, I don't think we're going to be able to do that at this point in time, and I would ask my colleagues to please support the majority of the ED&A Committee and just concur with this bill. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I also serve on ED&A that heard this bill, and I respect the comments of the Senator from Exeter, but I also do disagree. Of all of the hearings, as a freshman, that I've heard, I have never heard a department that had the weakest defense of their performance. We've talked about the issue that, what about car inspections? Should we pull those back and have the state inspectors go out and do those? And, we don't trust people to do that? This is an issue of performance, and they made accusations about problems, and when we asked them to cite that, they had no records. They made all these comments, all unsubstantiated. And, again, I just think that this department has shown that they cannot do the job, and that's why we need to deal with it through this concurrence. Thank you.

(The Chair recognized Sen. Prescott for a question of Sen. Luther.)

SENATOR PRESCOTT: Would you think that the car registrations rank as high as weights and measures, especially since it's really not even in the Constitution?

SENATOR LUTHER: Well, let's put it this way: If we've talked about extending car registrations in the past; that's an issue of safety – severe safety. Every car in this state, if we trust that those gas station owners, those service station owners, are going to do their job. I think it's very important.

SENATOR PRESCOTT: Thank you very much, Senator Luther.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to encourage the independent spirit that we've heard today. We debated this issue when it was a bill leaving the Senate. But, I find that there are few issues that touch more people's lives than weights and measures. It sounds like a very dry topic, but when you're at the grocery store, your items are being weighed and measured; when you're at the gas station, your gas is being measured, and that small amount of variance that is allowable is equal to millions of dollars in the pockets of gas station dealers across the state, by those who are measuring and who are paid for by the gas station owners to measure. The question was raised in the debate: "How come the Department didn't do a better job?" I was on the Finance Committee; I was on the division in Finance that reinstated these inspectors because, over the years, we had heard of so many violations. It took them half a year to hire the new inspectors, so they had a year-and-a-half to inspect all the weights and measures in this state. You have now decimated this – and, I assume by concurring – you will now eliminate these inspectors. There was an inspector who spoke very powerfully in the ED&A Committee – acknowledged that he was a Republican, a conservative Republican – he didn't really believe in a lot of government, but he believed in the power and the necessity of measuring a fair market and making sure that the consumers of our state receive a fair amount for the price they're paying. Right now, we've got the foxes watching the henhouse again, and we are returning it back to a system of those whom I pay to inspect are going to tell me whether my weights and measure is fair. It is not fair – it will not be fair. There's a reason why the Department of Agriculture did not have a full-blown inspection program, and that's because they had a year-and-a-half to do it. Do they have records? Yes. Do the records show that there's more than 60 percent failure in the measurement of gas in our state, and every single person in this room and across this state of driving age is probably acknowledging that they are not getting, at times, a fair measure. This is an important part of government that touches everyone's lives. I think it's only fair to send it to a committee of conference and we can hash this out further with the House. But, I think we make a big mistake today in retracting what had been a restoration of fairness to the marketplaces of New Hampshire. Thank you, Mister President.

(The Chair recognized Sen. Stiles for a question of Sen. Carson.)

SENATOR STILES: Could you tell me who licensed the private inspectors?

SENATOR CARSON: The Department did. The Department was in charge of licensing these private inspectors.

SENATOR STILES: Thank you.

(The Chair recognized Sen. Forsythe for a question of Sen. Prescott.)

SENATOR FORSYTHE: Thank you, Senator Prescott. I take issues with constitutionality quite seriously, and you mentioned weights and measures in the Constitution; I believe you mentioned the federal Constitution. That governs what the federal government does; what about the New Hampshire Constitution? Is weights and measures mentioned in that?

SENATOR PRESCOTT: The reason why I mentioned the Article I, Section 8 is because it is precedent. You know, way back when, you know, a couple hundred or more years ago, that was written in our U.S. Con-

stitution. It's very important, so I mentioned it. If you can find it in the New Hampshire Constitution, I'd be glad to read it, but I don't think you can find it. However, we do swear an oath to the U.S. Constitution. Now, that doesn't mean we have to swear an oath to this bill, but it does mean that we have to uphold our Constitution, our U.S. Constitution. And, if we're willing to uphold the U.S. Constitution, and it's their job to be in charge of weights and measures, well we darned well should be, as well. That's my point: We should be in charge of weights and measures.

(The Chair recognized Sen. Larsen for a question of Sen. Carson.)

SENATOR LARSEN: Senator Carson, can you tell me who pays for the service technicians to come and inspect a weight or measure?

SENATOR CARSON: The business owners –

SENATOR LARSEN: Yes, thank you.

SENATOR CARSON: – just as the business owners pay the State to come out and inspect.

(The Chair recognized Sen. White.)

SENATOR WHITE: May I introduce a guest?

PRESIDENT BRAGDON: Yes, you may.

SENATOR WHITE: We have Representative Ken Hawkins up in our gallery, and I just want to say, after a marathon SB 3 session, I just want to introduce him and welcome him to our gallery. He's a Representative from Bedford and has been for a long time, and has worked on the pension reform issue before the pension reform issue was cool. And, I just really, really appreciate him and wanted to introduce him.

PRESIDENT BRAGDON: Thank you, Senator White. We have received a message that the House has passed the conference committee report on Senate Bill 3; we'll be taking that up after we finish the concurrences that we're doing right now.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I rise in support of the concurrence on this, and the constitutionality that Senator Prescott speaks of is not going to be violated by passing this bill. Simply, this department is set up to inspect the inspectors, and random checks can tell whether the devices are out of balance or not, and you have a 50/50 chance of a balance being under or over. So, it's not only in the favor of the consumer or the dealer; it's a 50/50 tossup. So, I don't believe that that argument is valid, and I urge the concurrence on this bill. Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. Putting aside whether it's a good or bad performance over the last two years, I do implore that this Senate overturn this concurrence motion. You can argue both sides, whether it turned out well or turned out bad the last two years, or turned out well or bad the last 20 years; this is not the issue. The issue is that we need not to lose sight of our goal of government's responsibility on weights and measures and where the charge should be. The charge should be with our state government, protecting both sides, both commerce and the public, and the businesses interests and the public interest.

There have been business owners in this state asking for this to happen. They are concerned that they are getting a fair shake, not only on when they purchase a product, but when their scales are inspected, are they getting a fair shake? Is it unbiased? Is there profit to be made or not? And, when you have a state inspector, you do not have bias; you do not have profit; that's how you register those two together. I implore – I mean, how much more can I say to this full Senate how important this issue is to our future? I ask that you overturn the concurrence with this bill amended by the House and we ask for a nonconcurrence, Senate committee of conference: real easy. I mean, how much is this going to take out of your hide? Honestly? Nothing. And, what are we here to do? We're here to take care of the role of government, and this is it. One more meeting is all I'm asking: a little bit of love. Thank you, Mister President.

(The Chair recognized Sen. Sanborn.)

Sen. Sanborn called the question. Without objection, President Bragdon closed debate with remaining speakers.

(The Chair recognized Sen. Carson for a question of Sen. Prescott.)

SENATOR CARSON: Senator Prescott, what's at issue here is the language that was added by the House, which is requiring the Commissioner to issue a report to the House, to the Senate, and... Is that what your issue is? That you don't agree that they should be issuing a report? Because I just... That is really what we're talking about here, and you want to go to a committee of conference because you don't agree with them having to issue a report?

SENATOR PRESCOTT: I disagree with the whole bill as of right now, Senator Carson. The reason being is, a lot has come about since the time that we passed this bill earlier this year – a lot of new information. From a 30,000 foot view, and that's where I'm coming from, not from where you have been, in a committee, in what Senator White calls: "the weeds". That's where you've been – couldn't see the forest through the trees – that's where you've been; I think that's where the Committee has been. And, I don't mean to be disparaging. But, you look at it from a 30,000 foot view, the public's going to go: "You're going to put weights and measures from the government's responsibility into the private sector? Okay." That's why I am against concurrence with this bill, because it's weights and measures; we're losing sight of the goal and the purpose of government. And I pray, again, please nonconcur; vote down this concurrence. Say "no" when it's asked for the vote and let's go to a committee of conference and cure this problem, this disease. Thank you very much, Mister President.

(The Chair recognized Sen. De Blois for a question of Sen. Prescott.)

SENATOR DE BLOIS: Senator Prescott, does the Department of Safety inspect elevators, or do they do the work to ensure the safety of the public in buildings?

SENATOR PRESCOTT: Inspect elevators... That would be grain elevators? Is that a weight and measure?

SENATOR DE BLOIS: Any kind of elevator needs to be inspected every year. Right now, the private sector is licensed to inspect them, reports to the Department of Labor, and we pay the fee for that. How about the liquor commission?

PRESIDENT BRAGDON: Is there a question in here somewhere, Senator De Blois?

SENATOR DE BLOIS: Yes, sir. Yes, sir. I'm setting up the example so that the question can be slipped into it.

PRESIDENT BRAGDON: Please repeat the question.

SENATOR DE BLOIS: The liquor commission licenses barrooms. They don't serve liquor; they don't do that portion of it. But, they inspect the licensees, the same way with car registrations. So, wouldn't this be the same thing, that we put the trust in the private sector to do the job, report back to us that they've done the job. Aren't you satisfied with the integrity of the Department to get this work done, like they do with any other entities, like elevators, liquor, you name it?

SENATOR PRESCOTT: Thank you very much for your question, Senator De Blois. When I go to the barber, like once every 25 years, I know exactly how much hair they cut off because I can see it on the floor. When it comes to going to the gas station, I don't know how many gallons is put in my tank other than looking at the measure. And, that needs to be in charge by the State of New Hampshire. Thank you very much, Senator De Blois, for the question.

The question is on the adoption of concurrence. Adopted.

Sen. White asserts Rule 2-15 on SB 157-FN.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

Sen. Carson moves concurrence.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. There was just some very simple language added in the House that stated that if insurance companies will not be assessed in the event there is a shortage of funds in the JUA as a result of the \$25 million being put into interpreter status if the tax should be greater than \$25 million. And, we agreed with that language.

The question is on the adoption of concurrence. Adopted.

Sen. White asserts Rule 2-15 on SB 170.

SB 67, establishing a committee to study school vouchers and school choice.

Sen. Stiles moves concurrence.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. The House expanded the study to include implementation of a tax credit plan partnered with our business community. This is a study committee, and we ask that you concur.

The question is on the adoption of concurrence. Adopted.

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.

Sen. Stiles moves concurrence.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. The House amended the language to clarify that it applies to pupils who are full-time students and residents of the State of New Hampshire. It also clarifies that nothing in the bill would alter or modify the funding of the virtual learning academy school, and we ask for your concurrence.

The question is on the adoption of concurrence. Adopted.

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

Sen. Stiles moves concurrence.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. The House amended the bill by adding some restrictions that the sale of the real property would require approval of the long range capital planning and utilization committee and the Governor and Council; also, to provide that the State shall retain the right of first refusal in any property sale of real property. They also added that this act shall take effect on the date the community college provides written documentation that the survey of the property has been completed and that they have secured insurance on all land, building, and personal properties on its Concord property. Therefore, we recommend that you concur.

The question is on the adoption of concurrence. Adopted.

Sen. Carson asserts Rule 2-15 on SB 194.

SB 144, relative to extending certain permits and approvals.

Sen. Odell moves concurrence.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. Senate Bill 144 as passed by this chamber had a section dealing with dredge and fill permits, wetlands, and the House took that paragraph out and that important language was placed in Senate Bill 38. The remaining part of the bill simply extends the period of time that a permit is in place on a subdivision of land from four years to five years, and that developments start within 24 months rather than the current law, which would be 12 months. Thank you, Mister President.

The question is on the adoption of concurrence. Adopted.

Sen. Bradley asserts Rule 2-15 on SB 144.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act.

Sen. Bradley moves concurrence.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Good afternoon, Mister President. I move that we concur with the House amendment to Senate Bill 154. As I think we all know, Senate Bill 154 was the shoreland protection act reform that passed this body twice on a unanimous voice vote. The House chose to add House Bill 519, which is RGGI repeal, to the shoreland protection act. I would move that we concur so that...because we all know where we are, and the sooner this bill gets dispensed with the better for the shoreland protection act and RGGI reform. Thank you.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I need to explain a rule of the House. A rule of the House is any bill that has been passed by the House is germane to any Senate or House bill. How's that for a description of what "germane" is? And then, I'll explain to you what a Senate rule is that we voted for. Senate rule is that "germane" is what the House passes and what the Senate passes. So, it's okay for us to pass

this, even though I think it's shenanigans; even though I think it's, you know, not straight above board; it's okay, because that's the rules of the Senate and that's the rules of the House. However, I don't think that's good for the Senate. The Senate, if that bill were here in the Senate, it would be non-germane to put RGGI on this bill. Obviously, it should be non-germane. What the bill is is about shoreland protection, and I am for that reform. So, now I'm torn: I'm for the bill and against the so-called germane amendment from the House. It would never be germane here in the Senate if it started here, but since it was begun in the House, now it comes back to the Senate, it's okay, it's all of the sudden germane? That's not right. It's just not right. So, I'm in a quandary. Here I go: If I want to do shoreland protection, which I want to vote for, and I don't want to vote for repeal of RGGI because I know that 100 percent of my colleagues voted for the reform of RGGI last week. Why would I change my mind in seven days? So, this is a very disdainful vote. So, where do we go? I think we go back to where shoreland protection is, right now, in our House Bill 2; it's an amendment in House Bill 2. I say we don't concur with this bill, we reverse the recommendation, and we nonconcur and be done with it. Because, I want to vote for shoreland protection changes; it's in the budget. I'm okay. I don't want to repeal RGGI because last week 24 of us voted to change RGGI. Why would I change my mind this week? So, I recommend to this full body, if you vote one way, continue this way by nonconcurrency on this bill. Thank you very much, Mister President.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I would urge concurrence on this bill. To Senator Prescott's comment, I would mention that before we voted unanimously to amend RGGI, 15 of us in this body voted for a straight-up repeal; I'm excited about the opportunity to do that again, and will ask for a roll call on this.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much. I would just remind my good friend from Kingston that while he may not like the process, it was my bill, and I guess it goes without saying that I should be the one that would be complaining the most about the process, and yet I'm not. And, the reason I'm not, Senator, this bill had a full-fledged public hearing in Chairman Odell's Energy and Natural Resources Committee, it had another public hearing in Senator Morse's Committee, and I believe two public hearings in the House. And so, while we may not like the fact that my bill is getting torpedoed – let's call it what it is; it's getting torpedoed – I'm still okay with that because the shoreland protection act is in House Bill 2. And, you could stand there and make the same arguments about its being germane to House Bill 2. The fact of the matter is, let's try to pass the shoreland protection bill and not worry about it.

The question is on the adoption of concurrence. Adopted.

A roll call was requested by Sen. White, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Carson, Boutin, Barnes, De Blois, Rausch, Morse.

The following Senators voted No: Houde, Odell, Kelly, Lambert, Larsen, Merrill, Prescott, Stiles, Bragdon.

Yeas: 14 - Nays: 9

Sen. Bradley asserts Rule 2-15 on SB 154-FN.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

Sen. Morse moves concurrence.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I ask the body to concur with the House. All that was changed in here is that the House increased from 5 percent to 10 percent that when they produce a budget, they produce it from actual reductions of 10 percent when they produce the maintenance budget. I think it's a great way to go, and it'll help us with a great budget tool. Thank you.

(The Chair recognized Sen. Larsen for a question of Sen. Morse.)

SENATOR LARSEN: Senator Morse, we had a discussion previously on the 5 percent, which was your original bill. You've now gone through months and hours with our departments working through a budget, and you know the budget we're passing and what stress it places on our departments. To now ask them to present a 10 percent annual reduction every year to show their 10 percent reduction on an annual basis, are you not concerned that puts the departments under even more stress with the reductions we've done to them in terms of staffing and other demands?

SENATOR MORSE: I'm hoping what this does – and, this is from actual; this is from actual. Remember, in law right now, we have a maintenance budget that is so fictitious, it goes and it creates a budget where you add back everything, and it's never meant anything during the process to us in the Senate or the House. It might have done a little for the Governor. But, for us to have the departments come back, which the Governor does get a lot of notes that we don't get to see during his budget process, and that's how the departments think they can build a better budget. I'm hoping this 10 percent reduction helps us to get to that area. What the House didn't agree with was that 5 percent would show enough, because they believe, like back home in our school districts and our towns, that often when department heads don't agree with us, they'll cut out something like the band, which no one would cut out in their community. By going to 10 percent, I think the House is trying to get it to a position that reality will come in and they'll be suggesting things that do need to be cut. It'll all be part of debate, Senator.

SENATOR LARSEN: That I understand. Thank you, Mister President.

The question is on the adoption of concurrence. Adopted.

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Sen. Bradley moves concurrence.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. Normally, I'd explain what changes were made in the bill, but on a hot day, the fact that the prime sponsor, Senator Merrill, is okay with it, is good enough for me.

The question is on the adoption of concurrence. Adopted.

SB 93, relative to pharmacist administration of vaccines.

Sen. Bradley moves concurrence.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much. The House amendment removes a sunset provision that the only opponents of the bill had a question about when we adopted the bill; they have approached me and said they have no interest in the sunset provision. So, I would move we concur with the bill.

(The Chair recognized Sen. Kelly for a question of Sen. Bradley.)

SENATOR KELLY: Senator Bradley, I just wanted to clarify: I understood in the Committee on Health and Human Services, which I served and you Chaired, is that we were not opposed to the pharmacists administering different vaccines or additional vaccines, but our concern was – and we heard this often during the hearing – was that there was really a lack of communication between the pharmacists and the physicians. And, I think the purpose of the sunset was for them to get that together before we gave our 100 percent okay to this new process, and it was a protection for the consumers. So, I would just ask my colleagues to nonconcur and go back to a committee of conference and continue to let the House know what our reasoning was for the sunset.

SENATOR BRADLEY: Senator Kelly, I appreciate the question. The only reason I'm moving to concur is that the New Hampshire Medical Society came to me after the House hearing and said they really didn't care whether there was a sunset in the bill or not. And so, that's why I recommend concur.

(The Chair recognized Sen. Kelly for a follow-up question of Sen. Bradley.)

SENATOR KELLY: Yes, thank you. I just wanted to clarify, my question, though, wasn't what the medical profession had felt, but that the sunset was our recommendation in order to move forward with communication. So, it was more coming from the Committee; I don't think I was looking to the medical profession to see if that was okay whether they had a sunset or not; it was more an incentive for them to really get together in the communication which, what we understood was, there is an Internet system available, it just has not been implemented, and that we were concerned about the safety for consumers.

SENATOR BRADLEY: And while I appreciate that, I think that we'll be able to monitor that through the pharmacists and through the Medical Society.

SENATOR KELLY: Thank you.

The question is on the adoption of concurrence. Adopted.

SB 151-FN, relative to contracts of the department of health and human services.

Sen. Bradley moves concurrence.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much again, Mister President. This bill came as a result of Governor Lynch's proposal a couple of years ago to try to consolidate state contracting with providers. The House put some goalposts in there and calls for a certain level of savings to attempt to be realized. I think it's a good amendment, and I would urge concurrence.

(The Chair recognized Sen. Kelly for a question of Sen. Bradley.)

SENATOR KELLY: Thank you, Mister President. I just have a question on this particular concurrence as well, in that my understanding was the premise here on SB 151, as we heard in the Committee, was to develop a plan so that we could move forward, make sure we had the pieces together, make sure that the outcomes were correct. And, instead, I think what we have concurred with is the House that is saying: "We're not going to develop a plan; we're going to require that it be consolidated." And, my concern, once again, is that we're not going through the process to end up with a good, successful, sustainable product.

SENATOR BRADLEY: And I appreciate that, Senator Kelly. My understanding is that the language is such that these are goalposts that are established by the House amendment, and, again, given the magnitude of the dollars that get spent through the Department of Health and Human Services by contracting with independent contractors, this is an idea that will help us with our budget quandaries and something that we should proceed with.

The question is on the adoption of concurrence. Adopted.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies.

Sen. Houde moves concurrence.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. This bill as introduced seeks to level the playing field with respect to the bail bondsperson business, and the House version just did so in a different way. So, taking from Senator Bradley's cue, Senator Barnes concurs with this concurrence, so I'd ask for your support.

The question is on the adoption of concurrence. Adopted.

SB 64, removing the oath requirement for criminal complaints filed by police officers.

Sen. Houde moves concurrence.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. The bill as introduced would have expanded the offenses that could be initiated by unsworn complaints of a police officer. Currently, the law provides violation-level offenses. As such, the bill would have included all misdemeanors. The House amendment scaled that back a little bit and said only Class B misdemeanors would be eligible; we think that's a reasonable incremental step, and so I ask for your support on the concurrence.

The question is on the adoption of concurrence. Adopted.

SB 2, relative to adoption of spending caps by municipalities.

Sen. Barnes moves concurrence.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. My two friends in front of me have made the point: I talked to the prime sponsor of this piece of legislation, very important piece of legislation that came through the Committee, and I thought he might have had some problems with it, but working with the House members over there, he is very satisfied that his concerns and his bill is a great bill for us all to concur on and move on.

The question is on the adoption of concurrence. Adopted.

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund.

Sen. Barnes moves concurrence.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: The major change from what came over from this body – Thank you, Mister President. I'm sorry I didn't start out correctly; I guess I'm in a hurry. The main difference from what we passed here in this body and sent over to the House is that the House put the provisional ballot into the piece of legislation. And, I think, and members of the Committee – not all members of the Committee, because it was a 4-1 vote in the beginning, and I'm sure I'm going to hear from her a little bit later – decided that that wasn't a bad way to go. The Secretary of State came into our committee, and – I don't think it was himself, I think it was Dave Scanlan that came in, his assistant, deputy – and talked about taking photographs and all that good thing. And, the House figured that that's going to be too expensive and that the provisional ballot was a good way to go. And, having looked at it and talked to my committee members, we would suggest and hope that we can get concurrence, and yes, I will take a question from Senator Merrill, mother of a great Major League ballplayer, Sam Fuld.

(The Chair recognized Sen. Merrill for a question of Sen. Barnes.)

SENATOR MERRILL: Thank you, Mister President. Thank you, Senator Barnes. My understanding of SB 129 as amended by the House is that it says a person without the photo ID at the polls will be able to vote with a provisional ballot, but then go on to have to take a number of steps. And, I just wanted to make sure I was clear on those steps. As I understand it, again, the person who does not have the photo ID would need to produce that photo ID or else have verification that for other reasons they needn't have their picture taken, for example, for religious reasons. And, I also understand that there's language that says that a person can obtain a voucher for the \$10 it would cost to go get the non-driver's license ID, which of course, I think, is a good thing. However, as I understand it then, the person who in fact needs to go get one of those non-driver's IDs and wanted to have it paid for would first have to go to the town or city hall and get a voucher for the \$10, then go to Motor Vehicle and get their ID, then bring it back to the town or city hall, and all within three days. Am I correct in that, Senator?

SENATOR BARNES: I don't see it in here, but I maybe missed that as I read the bill. I don't see what you're talking about in this piece of legislation from the House. What page is it on? I'm sure I missed it; I'm sure your eyes are better than mine.

SENATOR MERRILL: It'll take me a minute to get to all the language, but I'm happy to do it. Would you like me to still pursue finding the language so I can read it to you?

SENATOR BARNES: Go right ahead. I understand what you're saying, and perhaps it's in the bill, perhaps it isn't in the bill.

SENATOR MERRILL: I believe it is, having read it earlier this morning.

SENATOR BARNES: I trust you.

SENATOR MERRILL: Thank you very much, Senator Barnes.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I'd like to oppose concurrence, and believe that this bill, as we argued it when it was passing the Senate, continues to be a significant impediment to one of our most fundamental rights, and that is the right to vote.

The House heard this most recent amendment, and if you look at the report from the House, it states that the Secretary of State testified extensively about the bill, and from the testimony and his deputy's testimony in the subcommittee the day before, it was made clear that the bill's provisional ballot requirement is unworkable because New Hampshire's uniquely short statutory and constitutional timeframes between the state's primary election and general election and between the general and the legislative summons. The Secretary of State pointed out it will profoundly affect the recount process for the worse, by inviting protracted battles over the counting of provisional ballots. More frightening, though, was the Secretary's sense that the bill actually opens up the system to new and different types of election fraud instead of combating it. The Secretary of State, the State's chief election officer, said that if this Committee wanted to pass photo ID, it would be prudent for it to pass something else, not this legislation. Why are we concurring with this? Probably the most disturbing thing the Committee learned was that the provisional ballot is not a secret ballot because it removes safeguards, so it would be easier to see how an individual voter voted. You're losing the secrecy of your vote. Here's what the Committee did not get to discuss: They never got to discuss a whole lot of questions about the bill. They didn't discuss whether it was constitutional under Part I, Article 11 of the New Hampshire Constitution. They were not able to analyze its constitutional basis and a list of substantial and genuine questions remained in the House committee on this bill. But, there seems to be some directive here that this body, and the House is following, some playbook to eliminate a voter's ability to go to the polls and freely vote. This is an impediment to voting; it remains an impediment to voting. It deserves to be challenged on its constitutionality, and I urge each of you who swore to your constitutional protection of the right to vote and to protect that right to stand up and say "no" to this. You are sending people with a provisional ballot to have to go back, find some authority to give them some recognition that they do in fact live in New Hampshire – these are people who might be in wheelchairs; these are people who are elderly. You have not acknowledged that students have a right to vote through passing this amendment. These are significant impediments to our most fundamental right. It's unbelievable that we seem to be closing our eyes to all of these concerns in passing this today, concurring – concurring and agreeing. Our own Secretary of State says it's unworkable. Don't do this today, folks; it's wrong. And, it will be found unconstitutional, I predict. But, you have a chance to say "no" right now. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Larsen.)

SENATOR BARNES: Senator Larsen, a couple of would-you-believes: Seeing you brought the Secretary of State's name into it, would you believe that I've been, over the years – and, you and I have sat here together for a couple of years – you don't look that old, but you're getting there –

SENATOR LARSEN: I'm getting there.

SENATOR BARNES: I have always defended the Secretary of State; I'm the guy that's put him up for nomination, because I think the world

of him; I think he's the best Secretary of State in the country, and he's done a lot of great things. But, do you believe that you and I have heard discussion sometimes from your party when I have brought up: "The Secretary of State thinks this thing stinks," you guys go against the Secretary of State; I can't tell you the bills, but there have been numerous times over the years we've been here – not today or yesterday. But, the Secretary of State: We all respect him. But, you know something? Bill isn't always right in some of our opinions. Great guy, does a great job; I love him and I always will. But, he isn't the guy that gets elected by the people, he gets elected by this body.

SENATOR LARSEN: And, would you believe that I know you have respect for the Secretary of State, but an even higher respect should be for our constitutional right to vote.

SENATOR BARNES: Okay, my other would-you-believe.

SENATOR LARSEN: All right.

SENATOR BARNES: Son of a gun, you read my notes here, didn't you? I knew I shouldn't have walked out of the room. I believe – and I'm going to ask you if you believe – that no one is going to be denied the right to vote in the State of New Hampshire when we hopefully concur on this piece of legislation?

SENATOR LARSEN: I don't believe they'd be denied; I believe they'll be deterred. There was a sign posted in the most recent special election, and it was reported that people actually turned away because they didn't have their voter ID, they didn't have their photo ID, and they left the voting place before they even walked in the door. So, I believe there'll be a deterrence factor, as well as perhaps a denial...It won't be denied because you'll just be given a provisional ballot and you have three days to come back with your documents.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. Two things: One, I wanted to be able to direct Senator Barnes to the language in the bill that's relevant to the issue of how many steps a person would need to take after voting by provisional ballot. On page 2, starting on line 20, is the language that says: "By noon of the third business day after the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present a valid photo identification." On page 4, starting in line 6, it says: "A person who requires a photo identification card for photo identification purposes may obtain a voucher from his or her town or city clerk or the Secretary of State exempting the person from the ID card fee. Upon presentation of the voucher to division – that's the Motor Vehicle division – the actual cost of issuing the card shall be paid by the Secretary of State, etcetera." So, unfortunately, the language of the bill is not such that it's an easy step by step reading. But, those are the pieces of the bill that outline the steps that would need to be taken.

I just wanted to get back to the basic issue at hand with all the versions of this photo ID legislation that have been presented. And, that is that these bills are purported to address a problem which I still believe is nonexistent in New Hampshire and which we saw no evidence of or heard no evidence of in our hearings, and that is the idea that we have a problem with voter fraud here in New Hampshire. I've seen no evidence, heard no evidence to that effect, and for that reason, my preference

would be a simple nonconcur because I didn't support either version. But, I would add that it's also my understanding that, you know, from a number of sources, including the League of Women Voters, the town clerks, and the Secretary of State, as has been noted, that the Senate version was preferable. And, I'll stop there.

(The Chair recognized Sen. Barnes for a question of Sen. Merrill.)

SENATOR BARNES: No, it wasn't a question; it was a thank-you for pointing that out, the first part of your statement.

SENATOR MERRILL: You're welcome.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I rise against the concur motion for nonconcur and request a committee of conference. The Senate position is a voter ID bill with picture, not with a second, minor, junior, provisional...whatever else you want to call it ballot. How about a real ballot, and a voter ID and a picture? How about just as easy as registering to vote, and absolutely easier when the voting place has a camera and gives them their own ID? So, it's easier to register to vote than it is for the... No, the other way around: It's easier to vote on the Senate version than it is to register to vote. That's the Senate's position. And, we will have all eyes on New Hampshire soon: Presidential Primaries are coming up, and we're going to have a minor, secondary, junior, provisional ballot, and people are going to not vote that day if they don't come back and prove themselves that they are who they are. However, I do believe in voter ID, because it takes care of voting integrity. That's why we just need a simple photo. Secretary of State says \$75,000 is what it would take to have a camera at every polling place. That's not what the House said, but that's not the House wanted to hear from the Secretary of State, either. \$75,000 is what it would cost for 7,500 polling places, because I know I can buy a camera for \$100.

Next thing is: We will be sending people away from the polls if this gets confused, and saying that: "You need to come back with an ID", or we tell them that: "You're really not going to get the real ballot today, you're going to get the secondary one." We will be sending people away. And, I will not vote for this. I don't believe it's the Senate's position. And, if we don't get a committee of conference on this, we gave up our chance to work on this bill this year. Think about it. We gave up our chance to work on this bill this year. If we wait 'til next year to pass a voter ID bill that's the one that the Senate believes in, which is what we passed just a little while ago, then we don't have the votes to override it, but maybe we do; maybe we like vouchers. But, if we don't have the votes to override a Governor's veto, we did not gain, and we did not do the people's business. Again, I am asking, vote not to concur – vote nonconcur and request a committee of conference. It's important that we get a bill that the House and the Senate agree upon that does not have vouchers. Because there's two things that can happen: One, they really don't vote that day until they come back and prove that they can change their secondary ballot into a primary ballot – I don't know how that process works. And, two is, they'll be turned away, and I certainly don't want that. That doesn't preserve the integrity of the voting process. A simple voter ID does; not a provisional ballot. You go to the polls, you vote that day. Same thing with same-day voter registration, except it's easier, because with voter registration you have to show an ID. It's easier to vote with the Senate's position, and I ask this full Senate to know what they're doing today

is vote down this concur – overturn it, make it nonconcur and request a committee of conference – and let's stick to our position. Thank you very much, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Prescott.)

SENATOR BARNES: It is a beautiful afternoon.

SENATOR PRESCOTT: It sure is.

SENATOR BARNES: Let's get moving on with it, right?

SENATOR PRESCOTT: Yes, sir.

SENATOR BARNES: Would you believe...

SENATOR PRESCOTT: Oh my goodness! I thought you had your three would-you-believes all used up! The strikes are out.

SENATOR BARNES: Would you believe that I don't think you have talked to the Governor about a veto, and when I vote in this chamber for the last 20-plus years, I never vote worrying about what the Governor may or may not do, Senator Prescott, and you have been here long enough, and I think I've heard you say that on occasion, and all of a sudden you have changed your position on that: You're worried about the Governor's veto. That's a sad way to sit here and vote, I'll tell you that. The Governor doesn't scare me with his veto pen or without his veto pen. I'm going to vote the way I think is right for the people of New Hampshire; if he thinks it's wrong, let him do what he has to do, or she – whatever the case may be.

SENATOR PRESCOTT: I believe you, Senator. And, this is what I believe about you: You definitely don't worry about whether the Governor's going to veto a bill. But, I believe that you could take a second look at this and vote for a simple committee of conference, Senator Barnes, because it's important to the people of New Hampshire to know that the process has integrity and they don't get turned away with a secondary ballot, then have to come back and prove it later on. That's what I believe about you, and I think it's sensible that you can make that decision today. Thank you very much, Mister President.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. After that fairly longwinded speech from my good colleague, Senator Prescott – who actually I agree with, for the most part, on this – I won't belabor it. But, I do want to say that for those of us who will vote against the concurrence, we would rather see a committee of conference; I will support overriding the Governor's veto and adopt the Senate position.

(The Chair recognized Sen. De Blois for a question of Sen. Larsen.)

SENATOR DE BLOIS: Thank you very much. I'm confused; I just want to clear up the inconvenience that you feel we're giving the voters at the polls. It's my understanding that election time comes once a year, is that correct?

SENATOR LARSEN: No.

SENATOR DE BLOIS: Well, September, November-ish time?

SENATOR LARSEN: Okay. There are various elections at various times of year.

SENATOR DE BLOIS: So, I'm confused. From November to September, there's about ten months, isn't it?

SENATOR LARSEN: That number probably adds up to 11 months, but okay.

SENATOR DE BLOIS: Eleven months: Better. A person has 11 months to get his ID to come to the poll for one day to vote. Is that an unreasonable request?

SENATOR LARSEN: It is if you just moved here in April and you want to vote in November; you don't have 11 months to register. But, the real issue –

SENATOR DE BLOIS: Oh, April to November...that's how many months –

PRESIDENT BRAGDON: Senator De Blois, let her finish her answer.

SENATOR DE BLOIS: Oh, I'm sorry, Mister President.

SENATOR LARSEN: Well, the real issue is we have same-day voter registration right now; we encourage people to go to the polls. We encourage students to become responsible individuals and vote. We currently accept students voting in our voting booths. We encourage every member of the public to come vote right now. We are a first-in-the-nation primary state that people look up to and look towards, and they look towards how we speak when we vote in our primaries. What are they going to see now when they see voters walking away like: "Oh, I didn't have my ID; I have to go home," when they see people perhaps being brought in wheelchairs or assisted to vote in a voting booth being turned away, being told: "You can have a provisional ballot, but you get to come back in three days and prove to us you are who you are, and oh, by the way, you have to go to the Department of Motor Vehicles and get a voter ID from your state government", which might be miles from where they live. You have put such impediments into both people who are disabled, elderly people, students; you are putting up every barrier possible. And so, I think it's a very wrong bill.

SENATOR DE BLOIS: I don't agree with that. But, my follow-up question would be that we are providing for these people that are short-lived residents of New Hampshire; we have a provision for that.

SENATOR LARSEN: They could be long-term residents who might not have IDs –

PRESIDENT BRAGDON: Let him finish the question.

SENATOR DE BLOIS: But, long-term residents, don't they have the ability to go and register and get their ID for ten months – you said 11 – for 11 months a resident of New Hampshire has sufficient time, in my mind, to get his ID. And, if he procrastinates until the day of election, we're making a consideration for his procrastination. So, I urge the Senate to concur with this bill.

PRESIDENT BRAGDON: You can answer the question if you find there was a question there to be answered.

SENATOR LARSEN: There are people who perhaps don't have identification, whose birth certificate is so far in the past or in another state that they cannot receive it without – I had to write for mine, and it takes days to get that; it costs \$30 at least to get a birth certificate in many places. You are putting impediments to a fundamental right; the right to vote is our most primary and fundamental right, and what ensures our democracy continues into the future. Those impediments are wrong; they will be found wrong, and I think it's wrong that we're passing this

bill. I don't think the Senate version was much better, but it was slightly better. It's very wrong to be doing this today, and I think it will be found that way in the courts.

SENATOR DE BLOIS: Thank you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. Our Constitution does indeed give a right to vote. However, it does not say that we can't require proof of citizenship and of residency and that's all that this bill does. It occurs to me that seeing as it appears that getting an ID is a great impediment to voting, I would suggest that seeing as we do have some problem with underage drinking on campuses that we probably should require students to get an ID in order to be able to buy alcohol.

Sen. Barnes called the question. Without objection, President Bragdon closed debate with remaining speakers.

The question is on the motion of concurrence.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Forrester, Bradley, Groen, Sanborn, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Gallus, Forsythe, Houde, Odell, White, Kelly, Larsen, Merrill, Prescott.

Yeas: 14 - Nays: 9

Adopted.

SB 97, relative to the application of the community revitalization tax relief incentive.

Sen. Odell moves concurrence.

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. This bill, introduced by Senator Stiles, deals with buildings destroyed by fire or act of nature. As we passed the bill, we had the words of: "occurred prior to the adoption of the provisions of this chapter"; the House changed it to: "occurred within 15 years prior to the adoption of the provisions of this chapter". Thank you, Mister President.

The question is on the adoption of concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

June 6, 2011

2011-2289-CofC

10/04

Committee of Conference Report on **SB 3-FN-A-LOCAL**, an act making comprehensive changes to the state retirement system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Findings; Intent. The New Hampshire general court makes the following findings of fact and states the following intent and purpose for this act.

I. Immediate action is necessary to make the New Hampshire retirement system (NHRS) viable and solvent.

(a) NHRS is the successor to the State Employees' Retirement System. NHRS was created and established as of July 1, 1967. The NHRS was intended to and does establish a defined benefit pension plan qualified under Section 401(a) of the United States Internal Revenue Code (IRC). The NHRS plan is a governmental plan within the meaning of Section 414(d) of the IRC.

(b) As a defined benefit pension plan, the provisions of NHRS describe benefits which will be made available to members as vested deferred retirement benefits payable on retirement or on events such as disability or death. Benefits pursuant to the NHRS are payable after a period of years during which members accrue creditable service. Members are deemed to be in vested status for those benefits after 10 years of creditable service.

(c) As a governmental plan, the NHRS is only available to governmental employers.

(d) The NHRS is funded with contributions from members, through mandatory payroll deductions, and with contributions from the governmental employers, all of which are raised through taxation. Such contributions are held in trust by the NHRS Board of Trustees; funds held by the trust are held and invested on behalf of all members.

(e) As a defined benefit pension plan, the NHRS requires actuarial calculations in order to determine benefits which are payable as well as funding obligations.

(f) The benefit calculations which are required by the NHRS generate funding obligations which are complex and depend on numerous variables with consequences that occur over a period of many years, in some circumstances in ways that are not foreseeable.

(g) The NHRS has an estimated unfunded pension liability of \$3.72 billion and an estimated unfunded medical insurance liability of \$976 million.

(h) In 2007, legislation was adopted to require the state and other public employers to pay down over 30 years the unfunded accrued liability, which was approximately \$2.7 billion at the time. While that plan is now being implemented, large increases in the amount of the unfunded liability result in the current \$4.7 billion total, uncertainties in future market returns, recommendations by NHRS actuaries to lower income earning assumptions, rapid increases in medical costs, increases in life expectancy, and slower growth in public sector employment require prudent legislative intervention to ensure financial viability of NHRS.

(i) Financial viability of the NHRS is essential to the operation of state government and local government performing its constitutional and statutory obligations. Therefore, the stability of NHRS is an important, immediate, and fundamental necessity.

(j) The Pew Institute has concluded that unfunded pension and health care liabilities are a nationwide problem, estimated at over \$1 trillion. Additionally, the level of direct federal debt in excess of \$14 trillion means that federal funding to the states will have to be sig-

nificantly reduced in the near future. Thus, the state cannot expect assistance from the federal government in meeting NHRS obligations, and indeed it is reasonable to anticipate a loss in federal funds.

(k) The NHRS plan (and its trust) was created by the New Hampshire legislature and can be amended or terminated by the New Hampshire legislature at any time. Notwithstanding the general court's power, it is the general court's intention and public necessity to protect the reasonable interests of the members who accrue benefits under the NHRS plan, of the employers of those members, and of the citizens of New Hampshire.

(l) It is the legislature's intention that its actions taken at this time will not prevent future legislatures from acting to make any and all laws necessary and proper to preserve the public security, order, health, morality and justice, including further changes to the NHRS.

(m) The legislature's ongoing power to amend the NHRS is a fundamental power essential to government, and cannot and will not be surrendered by the legislature or irrevocably transferred away from government.

(n) The legislature finds that members who are deemed to be in vested status should be treated differently than members who are not deemed to be in vested status.

(o) The legislature finds that pension entitlements must be viewed in terms of benefits which have accrued up to the time when valuation is determined, and that such entitlements can be essentially expressed as a dollar value by taking into account the time value of money.

(p) The legislature finds that participants who are deemed to be in vested status in the NHRS have a reasonable expectation that the value of benefits which have accrued to them will not be taken away, although they may be changed prospectively.

(q) The legislature intends that the present value of accrued benefits for members who are deemed to be vested will not be diminished financially, as determined based upon an actuarial determination.

(r) It is the legislature's intention that benefits of members who have already retired will not be significantly diminished or impaired.

(s) The legislature does not intend that the rate of future benefit accruals is or should be protected.

(t) It is the legislature's intention that changes to the NHRS are and will continue to be constrained by the Internal Revenue Code tax qualification requirements imposed by Code Section 401(a) and related guidance; that is, changes will be made, or will not be made, in order to protect the NHRS qualified status.

II. Making NHRS viable and solvent through the actions to be undertaken pursuant to this legislation is a matter of extreme policy importance to the state.

(a) On average, benefits currently constitute an additional 52 percent increase to the cost of state employee salaries.

(b) These benefits paid by the NHRS are significantly higher than are paid in the private sector and cannot be sustained. Public employees are increasingly not cost-competitive with private alternatives to providing state and municipal services.

(c) Absent the actions to be taken pursuant to this legislation, it is likely that the state and its political subdivisions will not be able to afford to continue providing governmental services directly, but will have to provide these services through private alternatives.

(d) Public employee contributions to their pensions have not been increased for many years.

(e) Public employer contributions have been increasing significantly, erratically, and unpredictably in amounts that are undermining state and

local government budgets, the public policies reflected in these budgets, and the ability of the state and local government to perform core constitutional and statutory obligations.

(f) Public employees provide state and municipal services which are essential to residents and visitors. Without changes to address the unsustainable increases in the costs of public employee benefits, however, the state and local governments will be forced to reduce the number of public employees, and shrink public service, in order to fund these growing benefit costs. The general court finds that such a result would be detrimental to the ability of state and local government to protect the lives, health, morale, comfort, and general welfare of the public.

(g) Increasing employer contributions would result in significant harm to the state's economy.

(h) Taxes to fund employer contributions are imposing an unreasonable burden on taxpayers.

III. This act contains the minimum actions necessary to assure the viability and solvency of the NHRS.

(a) The changes to be made to the NHRS at this time pursuant to this act are essential to assuring the solvency of the NHRS, addressing its structural problems, and balancing reforms fairly among employee classes, while minimizing the impact on present employees, especially those closest to retirement.

(b) The legislature specifically finds after many public hearings, hours of studying the issue, and hours of debate, that this act constitutes the minimum actions necessary to assure the viability and solvency of the NHRS.

(c) The response of public sector employers to significantly increasing premium contributions has been to reduce their number of employees. Without significant reform to the NHRS, this trend is likely to escalate.

(d) Absent this legislation, public safety, public education, and other elements of the social safety net will be increasingly compromised and unable to provide services to the public.

(e) This legislation represents the minimum reform necessary to continue to provide appropriate public safety, public education, and other governmental services.

(f) Where public sector employers have raised taxes to pay for increasing pension contributions, there has been an adverse effect on job growth and retention.

(g) Raising taxes to pay for increasing pension contributions, would discourage business from relocating to this state and encourage businesses to move from New Hampshire or expand their operations in other states.

(h) The legislature specifically finds after many public hearings, hours of studying the issue and hours of debate, that raising taxes to address NHRS' issues would be harmful to the state's economy, the quality of life of its citizens, place New Hampshire at a competitive disadvantage to other states, and would be against the public interest.

(i) The financial viability of the NHRS must be preserved, as it serves an important public purpose. The general court expressly finds that the changes made in this act are reasonable and necessary, and are the minimum adjustments possible to the retirement system and to public employee retirement benefits to accomplish the important public purpose of preserving and maintaining the ability of the state and local government to provide retirement benefits to public employees.

(j) The changes set forth in this act have been deliberately designed to adjust the system fairly among employee classes, to introduce changes

in a way to minimize the impact on present employees, especially those closest to retirement, and to improve the long-term fiscal health and sustainability of the retirement system.

2 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For ~~[aH]~~ members *who have attained vested status prior to January 1, 2012* the full base rate of compensation paid, *as determined by the employer*, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities ~~[or for other extra or special duty]~~, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. *Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.* However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) *For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, holiday and vacation pay, sick pay, cost of living bonus, annual longevity pay, additional pay for extracurricular and instructional activities, compensation for extra and special duty, and any military differ-*

ential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

(2) Compensation over base pay shall be limited during the highest 5 years of creditable service as provided in paragraph XVIII.

(3) Earnable compensation shall not include compensation for extra and special duty for members who commence service on and after July 1, 2011.

(4) Earnable compensation shall not include incentives to encourage members to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or vacation time. Earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

3 Applicability; Earnable Compensation. For members of the retirement system who were in active status immediately prior to the effective date of section 2 of this act, the provisions of RSA 100-A:1, XVII as amended by section 2 of this act shall not apply until January 1, 2012.

4 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For members who have attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

(b) For members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, inclusion of compensation in each

of the highest 5 years which is in excess of the full base rate of compensation paid as determined by the employer shall not exceed the average annual amount of compensation over base pay paid to the member over all the member's years of service on or after January 1, 2012, but excluding the highest 5 years.

5 Maximum Initial Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. ~~[For members who commenced service on or after July 1, 2009, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.]~~ ***For members who commenced service on or after July 1, 2009 or have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000.*** Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances ~~[under RSA 100-A:41-a]~~.

6 State Employees; Medical and Surgical Benefits; Eligibility. Amend RSA 21-I:30 to read as follows:

21-I:30 Medical and Surgical Benefits.

I. The state shall pay a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

II. For the purposes of this section, "retired employee" means each group I state employee who:

(a)(1) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003 ***and prior to July 1, 2011***, and who also is at least 60 years of age at the time of retirement; or

(2) Has at least 20 years of creditable service if the employee's service began on or after July 1, 2011, and who also is at least 60 years of age at the time of retirement, provided the employee shall not be eligible to receive benefits under this section until attaining 65 years of age; or

(b) Has at least 30 years of creditable service for the state at the time of retirement ***if the employee's service began prior to July 1, 2011***, regardless of the employee's age; or

(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his **or her** death, if the state employee had at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003.

II-a. For the purposes of this section, "retired employee" also means each group II state employee who:

(a) Retires if the employee's state service began prior to July 1, 2010 or who retires with at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010; or

(b) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(c) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(d) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his or her death, if the state employee had at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010.

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II **who is in vested status before January 1, 2012**, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, **and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d).**

IV. Each state employee who has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003 **and prior to July 1, 2011**, and who elects to take a reduced service retirement allowance shall be defined as a "retired employee" for the purposes of being eligible to receive medical and surgical benefits under this section when the state employee reaches age 60.

V. No state employee who terminates his or her state service before he or she becomes eligible for retirement benefits as a "retired employee" as defined under paragraphs II-IV shall be eligible for medical and surgical benefits under this section.

VI. A state employee who commences service on or after July 1, 2011 and who is eligible for benefits under this section shall not receive such benefit until attaining age 52.5 if the state employee retired from group II service with the state or attaining age 65 if the state employee retired from group I service with the state.

7 Service Retirement Benefits. Amend RSA 100-A:5 to read as follows:
100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year. ***Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.***

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. ***Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.***

(c) Notwithstanding any other provision of law, any group I member ***who commenced service prior to July 1, 2011*** who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his *or her* age equals at least 70 years, or who has attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age,

by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a) Any group II member in service, *who is in vested status before January 1, 2012*, who has attained age 45 and completed 20 years of creditable service, *and any group II member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members who have not attained vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in service* who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service. *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before January 1, 2012*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years.*

(3) *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who ***is in vested status before January 1, 2012 and has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 and retires after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members who have not attained vested status prior to January 1, 2012 who qualify as provided in the transition provisions in RSA 100-A:5, II(d),*** shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

(d) ***Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on or after January 1, 2012 according to the following table:***

<u>Creditable service on January 1, 2012</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
(1) Less than 4 years	24	age 49	2.1%
(2) At least 4 years but less than 6 years	23	age 48	2.2%
(3) At least 6 years but less than 8 years	22	age 47	2.3%
(4) At least 8 years but less than 10 years	21	age 46	2.4%

8 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his ***or her*** accumulated contributions at the time of his ***or her*** ordinary disability retirement; and a state annuity which, together with his ***or her*** member annuity, ***for members who are in vested status before January 1, 2012, shall be equal to 2-1/2 percent of his or her average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 40 at the time of [his] ordinary disability retirement, or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 42.5 at the time of ordinary disability retirement, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess***

of 40.5 years provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his **or her** disability retirement.

9 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his **or her** average final compensation at the time of [his] disability retirement.

(1) **For members who are in vested status before January 1, 2012**, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) **For members who commenced service on or after July 1, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 42.5 years.**

(3) **For group II members who have not attained vested status prior to January 1, 2012 calculation of the supplemental allowance shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the number of years for the supplement adjusted proportionally.**

10 Vested Deferred Retirement. Amend RSA 100-A:10 to read as follows:

100-A:10 Vested Deferred Retirement Benefit.

I. Group I Members.

(a) A group I member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be an employee or teacher shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11. **Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.**

(b) At any time after attainment of age 50, a group I member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance payable under RSA 100-A:5, I(a) and I(b) or the reduced early service retirement allowance payable under RSA 100-A:5, I(c), based on the member's age when the vested deferred retirement allowance begins

and on the member's average final compensation and creditable service at the time service is terminated. ***Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.***

II. Group II Members.

(a) A group II member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be a permanent policeman or permanent fireman shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11. ***Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.***

(b) ***For members who are in vested status before January 1, 2012, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or for members who commenced service on or after July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d), or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.***

11 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member *who is in vested status before January 1, 2012 and*, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) *For a member who commenced service on or after July 1, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years, and provided that a the member shall not be eligible to receive a retirement allowance until attaining the age of 52.5.*

(c) *For members who have not attained vested status prior to January 1, 2012, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.*

12 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 *for members who are in vested status with group II service before January 1, 2012 or at least 50 for members who commenced group II service on or after July 1, 2011, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

13 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, *and except as provided in RSA 100-A:16, II-a*, dependent upon the member's employment classification at the rate determined in accordance with the following table:

(1) Employees of employers other than the state	5.00
Employees of the state hired on or before June 30, 2009	5.00
Employees of the state hired after June 30, 2009	7.00
Teachers	5.00}
Group I members,	7.00
(2) Permanent Policemen	9.30
Permanent Firemen	9.30}
Group II permanent fireman members,	11.80
Group II permanent police members,	11.55

(aa) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who are in vested status before January 1, 2012* with creditable service in excess of 40 years, *and group II members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years* as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who is in vested status before January 1, 2012* with creditable service in excess of 40 years, *and any group II member who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years* as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

14 New Paragraph; Alternative Contribution Calculation. Amend RSA 100-A:16 by inserting after paragraph II the following new paragraph:

II-a.(a) Notwithstanding the method of calculating member and employer contributions under this section, if for any year the board of trustees certifies that within a member classification the employer rates determined under paragraph III have lowered to require them to be equal to the member rates under paragraph I, then for all subsequent years following such certification the employer rates and the members rates for such member classification shall continue to be equal whether the system liabilities increase or decrease.

(b) The provisions of subparagraph (a) shall not take effect and shall be inapplicable to the retirement system calculation of contribution rates under this section if such provisions of subparagraph (a) would violate the requirements set forth in U.S. Treasury Regulation 1.401-1.

15 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ 13 trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint ~~[2]~~ 4 trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial

experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of ~~[one of]~~ the nonmember trustees shall be ~~[for a term of one year]~~ **made to provide for staggered terms.** The remaining ~~[11]~~ 8 members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term.]:~~ **one employee member, one teacher member, one permanent police member, one permanent fireman member, and 4 employer members.** The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association, ~~and the New Hampshire Local Government Center]~~ shall each annually nominate from their members a panel of 5 persons, all of whom ~~[except for the panel of the Local Government Center]~~ shall be active members of the retirement system, ~~or one of the 4 predecessor systems],~~ no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels the governor and council shall appoint ~~[one person annually to]~~ **the active member trustees of the board**, ~~[except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~ **as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees.** Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term ~~[from the same panel from which the former member was appointed]~~. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

16 Application; Board of Trustees Membership. Upon the effective date of this section, and based upon the suggestions submitted by the New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, and the New Hampshire state permanent firemen's association, the governor and council shall determine which one of the 2 current member trustees in each of the 4 employee categories shall remain on the board. Upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I as amended by this act.

17 New Paragraph; Board of Trustees; Report to General Court. Amend RSA 100-A:14 by inserting after paragraph VII the following new paragraph:

VII-a. The board of trustees shall submit a report each quarter by January 1, April 1, July 1, and October 1, to the chairpersons of the house and senate executive departments and administration committees. Such report shall describe recent board actions including any changes to actuarial assumptions and investment returns.

18 Medical Benefits Subsidy; Payment by Retirement System. RSA 100-A:52, II is repealed and reenacted to read as follows:

II. For the fiscal year beginning July 1, 2011, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$375.56 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$236.84 per month. The rate payable under this paragraph shall not be increased.

19 Retirement System Membership. Amend RSA 100-A:3, I to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment. ***In addition, employees appointed to an unclassified position with no fixed term on or after July 1, 2011 shall become members of the retirement system as a condition of employment, if they are receiving benefits from the retirement system. Any retirement benefit collected by such an unclassified employee shall be suspended during the period of employment. Membership in the retirement system*** [~~except that membership~~] shall be optional in the case of elected officials, officials appointed for fixed terms, [~~unclassified state employees~~] ***employees appointed to an unclassified position with no fixed term prior to July 1, 2011, or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:***

(1) The office held is a full-time position with eligibility for the same fringe benefits as other full-time employees of the employer;

(2) The office held is the primary occupation of the person holding the office;

(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,700 hours of employment; and

(4) The official satisfies the condition under subparagraphs (1)-(3) by using only one elected or appointed office to qualify.

(b) Any employee who is currently an employee of the general court who works on a full-time basis and who is eligible for other state benefits, but whose salary was or is calculated on a per diem basis shall be eligible to exercise those buy-back provisions set forth in RSA 100-A:3, VI(a), (b), and (c) for such previous service, only if the employee is currently a member in the retirement system.

(c) [Repealed.]

(d) The option in subparagraph (a) shall not be available in the case of any newly created positions for unclassified employees or officials whether appointed with fixed terms or with no fixed terms nor in the case of any newly appointed positions created by political subdivisions after July 1, 2011.

20 New Paragraph; Definition Added; Part-time Employment. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a member, but excepting per diem court security officers and court bailiffs, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I, in no instance shall part-time employment of the member exceed 32 hours in a normal calendar week.

(b) For group II, part-time employment of the member shall not exceed 32 hours in a normal calendar week; except for group II employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

21 Credit of Interest. Amend RSA 100-A:16, II(g) to read as follows:

(g) All interest and dividends earned on the funds of the retirement system shall be credited to the state annuity accumulation fund. The board of trustees shall allow interest [~~at such rate or rates as it shall determine from time to time~~] on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. ***The rate of interest shall be 2 percentage points less than either the most recent board of trustees approved assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR) as approved and accepted by the board of trustees by December 1 of each year, provided the rate shall not be less than zero.*** Such interest shall be compounded at an annual rate and shall be prorated and credited to the member annuity savings fund to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

22 Management of Funds; Investment Committee. Amend RSA 100-A:15, I to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall set the investment policy relative to those funds. The independent investment committee shall have full power to invest and reinvest such funds in accordance with the policy set by the board. The board of trustees ***and the members of the independent investment committee*** shall have the powers, privileges, and immunities of a corporation. The independent investment committee shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments in accordance with the policy set by the board. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested, or disbursed in trust.

23 Independent Investment Committee Amend RSA 100-A:15, IX to read as follows:

IX. The non-trustee members of the independent investment committee shall be afforded the same liability insurance [and], indemnification, ***and statutory protections*** as board members.

24 Additional Temporary Supplemental Allowance; 2012 Added. Amend RSA 100-A:41-d, III to read as follows:

III. The supplemental allowance in this paragraph shall apply only for the fiscal years beginning July 1, 2008 up to and including the fiscal year beginning July 1, ~~[2011]~~ 2012. In addition to paragraphs I and II, any retired member of the New Hampshire retirement system or any of its predecessor systems or any beneficiary of such retired member who is receiving an allowance, except for a retired state member, or his or her beneficiary, whose medical benefits are paid by the state pursuant to RSA 21-I, who is receiving a medical benefit subsidy payment under RSA 100-A:52 or RSA 100-A:52-a, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$500 for retirees taking a one-person medical benefit and \$1,000 for retirees taking a 2-person medical benefit, paid from the respective component of the special account. Provided, however that no 2-person subsidy recipient may receive more than \$1,000 per year under this paragraph, and that once a recipient is entitled to Medicare, the additional allowance under this paragraph shall be reduced to 60 percent of the non-Medicare eligible retiree amounts.

25 Transfer of Balance of Special Account. Except for funds necessary to comply with the requirement of RSA 100-A:41-d, III as amended by this act, any funds remaining in the special account as of June 30, 2011 as determined on a generally accepted accounting principles basis shall be transferred to the respective components of the state annuity accumulation fund effective June 30, 2011.

26 Study Committee Established; Voluntary Defined Contribution Plan. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

27 Study Committee Established; Disability, Medical Subsidy, COLAs. There is established a committee to study retirement system matters related to disability retirement, medical subsidies, and cost of living adjustments or supplemental allowances.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

28 Repeal. The following are repealed:

I. RSA 100-A:6, III(b)(3), relative to the group II accidental disability beneficiary exception from gainful occupation reduction.

II. RSA 100-A:4-b, relative to group I employees and teachers purchase of credit for out-of-state service.

III. RSA 100-A:4-c, relative to group II members purchase of credit for out-of state service.

29 Severability. If any provision of this act or the application of such provision to any person or circumstance is held invalid or is deemed not to comply with applicable law or regulations of the Internal Revenue Service so as to jeopardize the retirement system's status as a qualified governmental pension plan, the invalidity or non-compliance does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

30 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of this act. The retirement system board of trustees has determined that the assumed rate of return recently approved by the board is determined to take effect in fiscal year 2014. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective as soon as possible following July 1, 2011. The recertification of employer contribution percentages shall be effective when provided to each employer within a reasonable period of time not to exceed 30 days from the approval by the board of the recalculation from the system actuary. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

31 Effective Date.

I. Sections 2-14 and 18-21 of this act shall take effect July 1, 2011.

II. Sections 15-17 of this act shall take effect September 1, 2011.

III. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 3-FN-A-LOCAL, an act making comprehensive changes to the state retirement system.

*Conferees on the Part
of the Senate*

Sen. Bradley, Dist. 3
Sen. Carson, Dist. 14
Sen. Groen, Dist. 6

*Conferees on the Part
of the House*

Rep. Hawkins, Hills. 18
Rep. Kurk, Hills. 7
Rep. W. Smith, Rock. 18
Rep. Kappler, Rock. 2

2011-2289-CofC

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Transferring remaining funds from the special account into the state annuity accumulation fund.

V. Eliminating future increases to medical benefits premium payments.

VI. Increasing member contribution rates.

VII. Establishing a committee to study the establishment of a federal tax qualified voluntary defined contribution plan and a committee to study matters related to disability, medical subsidies, and COLAs.

VIII. Limiting when the option to become a member of retirement system applies, and defining part-time employment.

IX. Changing the eligibility for state employees to receive medical benefits.

X. Extending a temporary supplemental allowance for fiscal year 2013

XI. Changing the interest calculation attributed to contributions.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise obviously in support of the committee of conference report on Senate Bill 3.

Before I begin – and I see he is not here – I wish to salute my good friend, Ken Hawkins, who has, as Senator White indicated previously, been a stalwart person with regard to retirement and warning, for years before it was popular, that we had a problem in our retirement system.

Let me just be very brief, then I'd be happy to answer any questions. This legislation as you see it today is the combination of a lot of good ideas from the Senate, from the House, and coming out of the committee of conference. It will provide for stability and viability in the retirement system. It will, over time, reduce the unfunded liability, and it will reduce the unsustainable rates that employers are now experiencing, which are leading to job loss and problematic events at town halls, school boards, counties, and yes, here, too, in state government, dealing with these unsustainable costs in our retirement system.

Senate Bill 3 is a bill about difficult choices, and how we deal with a situation that has grown over a number of years that we can take whatever opportunity we wish to blame whoever the culprits are of the day; there's blame enough to go around and there are difficult choices enough to go around. But, I would say for the three affected parties, primarily: taxpayers, employees, and employers, that we have been fair – difficult, but fair. And, I would also say to the Senate that this bill, this compromise, meets our criteria that we established early on in the debate about this bill, that we would have the least impact on retired people and also the least impact on those close to retirement, that we would have more of the impact on people that were younger that can make more career decisions by virtue of the fact that they are younger in age, and there are more stipulations, if you will, added to those that have yet to be hired. It's that pyramid that Senator White had described many times. The final work product of this committee of conference report respects

those goals while making our retirement system – without this being a silver bullet, and I would not want to indicate that it is – a marked improvement in where we are. So, I'd be more than happy to answer any specific questions.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I think you all know this was a tough bill; it really began with the marathon hearing we had – we've had four or five hearings in the body this year that were held in Reps' Hall; they were long, they were difficult, and this was one of those bills that had that. But, I'm proud of the fact that the Senate did listen to the public; a lot of changes were made in response to people who had concerns about that. A lot of stakeholders have come forward to all of us on the ED&A Committee and also Senator Bradley as the prime sponsor, and outlined their concerns. And, I really believe that when it made financial sense, when it made...it was possible to accommodate those concerns, we tried to accommodate those concerns. And so, I'm proud of that. The House contributed some great intent language here that we hadn't really contemplated in the Senate, but I think it gets the body – both bodies, really – on record of the scope of the problems that were involved with this current retirement system situation, and why we made the steps we did. And so, I think that intent language was a real good addition and important. The bottom line is: I feel that this is a signature accomplishment. I know I'm only a freshman, but I've got to believe that it's only once in a while where you're able to make a change that will benefit people for years, even decades to come: benefit the taxpayer, benefit the people who are on pensions currently, benefit the people who will be on pensions, the sustainability of the system – all of these things. So, I just wanted to salute Senator Bradley for all his work – it amazed me on the Senate floor, as we kept working through variations of this and discussions would go on, how he could speak to this bill extemporaneously, off the top of his head, the detail involved – so, I really salute him. I salute Senator Groen, who became, really, in conference, I felt, a key person, because even though Senator Bradley was very good at bringing concepts forward, at the end of the day, we had to address a lot of numerical things, and Senator Groen was the one who was able to construct from scratch, really, spreadsheets and projections that were amazing, and so I thank him. I'm just really proud of this – I said jokingly to the Senate President, but I mean it: We pass this bill, I can just die and go to Heaven; I'm happy. I feel like this was it; this will be, when we're...if we live that long, if we look back 20 years to this day, I believe we're going to look back at this bill and say this is the thing that this Senate accomplished and this House accomplished, and it's really a signature accomplishment, and I'm just thankful to everybody who had a hand in it.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I served on the committee of conference, and I applaud the movement that was brought about because of the influence and information that the Senate brought. There was some good and rational changes made to the House initiative, which was far more punitive and more difficult. But, I continue to have concerns that the conference committee on retirement and this, the product, continues to ask more of the employees than the employers. I believe it should be a shared responsibility as we work to stabilize the retirement system. Everyone knows that over the past ten years or

more, employers underfunded their portion and were able to – and, that includes the State and municipalities – and were able to get by with those years not paying their fair share. Yet, today, we end up with a product that continues to ask the employees for more from their contribution rates. We are raiding the special account that was created from both the employee and employer contributions. And, there is no longer a possibility for cost of living increases; we're going to study the possibility, but there is no fund to accomplish that. That's taking not only the \$160 million in the special account, but it also included the interest on that, which could have been used for perhaps a cost of living increase for some of our lowest-paid teachers, for example, who are living on \$12,000 or less a year because they retired some time ago and are very elderly. This bill also made changes to employees who are, what I consider, are in fact vested, and I think that will be challenged. There is that issue, as we know, the difference between when someone starts to work for the State and they've worked almost up to ten years. We have employees in this building who have contributed for nine years and four months, and we're going to change the contract under which they have been working all these years and tell them they no longer qualify as vested or have any rights to what they had paid into over the years. So, I think SB 3, in fact, forces New Hampshire's workers to work longer for less pay while simultaneously being required to pay more into the system and making it more difficult for them to build a livable retirement. These are our first responders, these are our public safety officers, educators around the state, civil servants, who've kept their side of the promise, paid their fair share, and been promised benefits as part of their pay package. This is part of their pay package that they, in regular payday contributions, added their monies into. It's now gone unless they're vested. So, we are asking them to pay for the failure of the State and local municipalities to pay their fair share over the years. SB 3 as agreed to in the committee of conference – again, I applaud the Senate members for their work; it's better than it was. But, it still is not a fair bill in that it asks our workers, our New Hampshire folks in all lines of work, to work longer for less pay, with less hope of a retirement in their future. Thank you.

(The Chair recognized Sen. Forrester for a question of Sen. Larsen.)

SENATOR FORRESTER: Senator Larsen, you said that the employers didn't pay their fair share. Isn't it true that they paid what they were asked to pay into the retirement system?

SENATOR LARSEN: That doesn't mean it was a fair share. Yes, they paid what they were asked to pay, and in the 1980s, as you know, or early '90s, the Senate and House agreed to underfund the share in order to save costs. And, we all know how we like to do that, so that's what happened.

SENATOR FORRESTER: But, they paid what they were asked to pay.

SENATOR LARSEN: They paid what they were asked to pay; they did not pay their fair share –

SENATOR FORRESTER: Thank you.

SENATOR LARSEN: – and that's part of the report of the New Hampshire Retirement System to us, that everyone acknowledges they didn't pay their fair share; they paid what they were asked to.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you, Mister President. I just want to rise – a couple thoughts, a couple statements. I do recognize and want

to thank the Committee for their work on retirement and the retirement system and changing that. But, I would really want to remind this body that it was four years ago that we began this process, and we worked very hard – I know I did; I was on the committee. And, we addressed the issues that we are continuing to address. And, I think that we did that in a very responsible manner. We made changes that are important today, and I am proud of those changes, and I do want to remind you that this started four years ago; I think there may be some Senators here that may not be aware of that because of the incredible work you've put into it during this session. But, I would have to say that if we hadn't begun this four years ago, we would be in a much different situation. I'm also proud of the fact that the changes that we made I felt we made in a very balanced approach, and my concern today is that the bill that we're looking at I cannot support because I don't believe it is balanced; I think the burden today is really on employees, as Senator Larsen had said: Employees now work longer; we're asking employees to pay more into the system, we're asking employees to receive less than their pension benefit, and for that reason I will not be able to support SB 3. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. Well, we've heard that a picture is 1,000 words, and I know we've all seen this chart before. And, this chart – the one word I hear when I look at this chart is: "unsustainable". Cities and towns cannot live with the kind of unsustainable cliffs that they're going to have to climb. In my district, I was asked to meet with folks in Nashua and my other towns, and they were – their backs are up against the wall when it comes to these pension issues. The Mayor of Nashua showed me the kind of payouts that they're going to have to do with retirees, and it is a huge hit – a huge hit. They don't know how they're going to pay it. When I look at what the committee did, I think that they were very fair, that if you look at the weight, it is spread across really those four segments. The lightest weight is on those that are closest to retirement; next are those that are vested, those that are unvested, and the biggest weight is on new hires. That's the way it ought to be, and that is a very balanced approach. And, I want to thank Senator Groen, I think; I worked with him and I think he brought some great ideas to this, and he – working on those spreadsheets for hours – brought some great creativity, and I want to applaud Senator Bradley, who worked very hard in the committee of conference to work across the table with those in the House to try to bring something that's going to work across the board. So, I appreciate all the great effort that went into this. Thank you, Mister President.

(The Chair recognized Sen. Sanborn for a question of Sen. Bradley.)

SENATOR SANBORN: Thank you, Senator Bradley. And, first and foremost, thank you so much for all the work you and everyone has done on this. I hear a lot about fair share, I hear a lot about shared responsibility, I hear a lot about burden on employees. But, is it true that today when we truly talk about burden and costs of our retirement system that employees have to pay between seven and just over 9.5 percent, while the taxpayers of the State of New Hampshire have to pay between 10 and 30 percent of people's employment rates, and is that fair? Thank you, sir.

SENATOR BRADLEY: Well, again – And, you know, I just have to take a moment to... You know, I don't know which tie I like better: your tie or Jack's tie, because the Red Sox beat the Yankees last night.

SENATOR SANBORN: Darn right they did! And will again tonight!

SENATOR BRADLEY: So, you know, let's talk about fairness. It's very easy and very convenient to try to pin blame on once subset of the problem: the employers. The real blame – and, you know what? I was a green-behind-the-ears freshman when this vote was made in 1991 to change the accounting methodology that told the retirement system how to set the employer rates. It was supposed to be temporary, but like all things, it wasn't temporary, and there was almost a code of silence, because the employers were getting good rates and the employees, because money was being taken out of the system to pay for higher benefits, \$900 million was removed from the system – that's a huge part of the problem. And, lastly, something that's beyond our control was over the last 20 years, investment gains did not meet the targets. So, those are the three main issues: the legs of the stool that are sort of undermined in our retirement system. So, yes, employers didn't pay what they should have paid. But, \$900 million shouldn't have been taken out of the system, and we've got to recognize the real world when it comes to what's actually occurring in the investment scenario. So, the chart that Senator Luther has – yeah, let's talk about fairness. Let's talk about the fact that given the budget situation that we have in this state and the fact that, starting with Governor Lynch, there's not going to be a payment of the 25 percent to cities and towns, and in the absence of this reform that we're going to vote for, hopefully, this afternoon, property taxes are going to skyrocket: for retirement rates, they will go up for three of the categories, I believe, nearly 75 percent: teachers, police, and firefighters, if we don't pass this bill today. It is unsustainable. And, when something is unsustainable, what's happening in the real world? Well, I look at Senator De Blois, who's not here, or Senator D'Allesandro, who's not here, or Senator Boutin, who's not here, and think about Manchester. I'm just thinking about Manchester; I love Manchester. Our friend, Mayor Gatsas, is trying to put together a budget. They've proposed laying off 200 paraprofessionals in the classroom, I believe it's 17 firefighters, 20 police officer positions are vacant, and numerous other positions through city government. Now, that is not only because of retirement. It's healthcare costs that are out of sight, it's the bad economy – people unable to pay their property taxes. But, if we don't pass this today, we will have a huge problem. Nashua: same thing. I spoke with Mayor Lozeau – significant problems. In my own school district, teachers – and, they should be commended for this – have agreed to work for five unpaid days this year so that they can prevent job loss. This is what's happening in the real world as a result of spiraling costs that are only going to get worse. On July 1st, they go up significantly; on July 1, 2013, they go up significantly again. When the real world of the investment returns is factored in, they'll go up again. So, what is fair? Fairness is trying to deal with this problem in the best we can. And, as I said before: For taxpayers, for retirees, for employees, and employers, this bill is difficult medicine – I'll be the first one to say that. The longer we wait to take the medicine, the worse it is. And, that's why we need to pass this bill today and we need to make sure that some of the problems that have occurred – maybe from the best of intentions, maybe not – never occur again.

SENATOR SANBORN: Thank you, Senator.

(The Chair recognized Sen. Barnes for a question of Sen. Bradley.)

SENATOR BARNES: Your tie is almost as nice as ours. Bottom line is, Senator Bradley – You know, everyone is talking and we have talked,

and, truthfully so, about you and the folks that were on your committee of conference, the work you did inside the State House. Isn't it true that when a Senator – whether it was a Democrat or a Republican – asked you to come out to a meeting that they were called to by a group of people, whether they were firefighters or schoolteachers at 8, 9:00, 10:00 at night – in one case, I believe, it was over in Brentwood – didn't you quickly pack up your briefcase, call your wife, and say: "Honey, leave the light on"? Weren't you out there listening to everyone that had a concern? I heard you in two separate places, and you did one heck of a job. They didn't jump up and kiss you, but they certainly understood what you were doing, and they respected you for that. And, I think a fellow like you going out there – you look like the Energizer Bunny for God's sake – all the time you spent outside the State House. Isn't it true you spent a lot of time outside of this building talking and listening – not just talking – and listening to people?

SENATOR BRADLEY: Thank you for the question. I did my best. It wasn't me; Senator Groen went to numerous events, Senator White went to numerous events, Senator Luther, Senator Carson; everybody on ED&A really worked very hard. We did our best with a very, very difficult situation that will only get more difficult if we don't do the right thing today. Thank you.

SENATOR BARNES: Thank you.

(The Chair recognized Sen. Luther for a question of Sen. Bradley.)

SENATOR LUTHER: I know you can answer this. Senator, I've worked in the private sector for many years. And, could you sort of illuminate just sort of the differences or similarities between what folks in this state, pensions, that sort of thing, get versus say, in the private sector? I think that might be helpful.

SENATOR BRADLEY: Well, I'm not an expert on the private sector defined contribution system; most people, if they're in the private sector, have a 401k that employers may or may not contribute into on a matching basis or something like that. There are very few people in the private sector that have what we call here a "defined benefit plan"; it's something that, quite frankly, has changed dramatically. 25 years ago, there were many more defined benefit plans in the private sector. When I was in Washington, one of the pieces of legislation that we passed reformed the pension benefit guarantee trust corporation that has been the repository of what happens when these pension systems don't have the resources to pay benefits. And, I have talked to people throughout this debate that have told me that they made all their contributions that they were supposed to into a defined benefit in the private sector, employers did, and then suddenly, they were left with dimes on the dollar, if that. And so, I think what is important today, if I was an employee, knowing that, yes, we are asking somewhat more of them – I admit that. But, it has to be done; I think most employees realize that, that it has to be done. But, they will get stability and viability in the future; we will have to monitor this closely to make sure that happens. And, I think it's important to note, too, that a number of people are loyal employees, great educators, great police officers, great firefighters, have filed their papers to possibly retire as of June 1st because of the uncertainty. The one thing that our friends in the fourth estate, I hope, will take away from today, whether you like this bill or don't like this bill, people will have six months to determine how it impacts them. And so, the precipitousness of having to

move to a decision right now, in case we do something, people will have ample time to assess how these changes affect them, and I would say again to my good friend Senator Larsen that people with more than ten years in the system who are vested – and you and I may argue about when vesting actually occurs, but for the definition purposes the New Hampshire retirement system uses, ten years is the terminology – those people, with the exception of the increase in contribution rates, will see virtually no other impact except for the averaging provision for police officers so that special details can't be spiked in. And, I think that's fair, and I think that the Senate position, we held to that. And, we also held to the fact that for non-vested employees there should be no significant new provisions attached other than what we did, which, just to recap, is a five-year averaging and the inability to utilize vacation time that's unused, sick time that's unused, and severance pay, and the same provision on special details. That's what we did. I would submit to you, Senator Larsen, it's fair, it's consistent with what you tried to do and did four years ago to move the ball forward, and I congratulate you again for that. But, unfortunately, the unfunded liability at that point in time – four years ago – was \$2.7 billion; it's \$4.7 billion today, and it will get higher. And, that's the reality, unfortunately, that all 24 of us, regardless of our political leanings or likes or wants or desires or anything else, we've got to wake up and smell the coffee.

The question is on the adoption of Committee of Conference Report on SB 3-FN-A-L.

A roll call was requested by Sen. De Blois, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, Merrill.

Yeas: 19 - Nays: 4

Adopted.

Recess. Out of recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 82, relative to the annulment of criminal records.

HB 130, relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute.

HB 173, relative to service of process of commercial tenants.

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

HB 355, enabling state and local fire and building officials to issue citations for violations of certain fire safety rules and licensing violations for gas fitters, electricians, and plumbers.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

HB 478-FN, relative to testimony by video teleconference.

HB 489-FN, establishing a health information organization corporation.

HB 511, relative to retired judges over 70 years of age.

HB 590, establishing a committee to review state participation in federal grant-in-aid programs.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

HB 650-FN-L, authorize a school district to call a special meeting in the event of changes in the amount of state education funding.

PRESIDENT BRAGDON: At this point, we have dealt with all Senate bills amended by the House; the only thing left is House bills amended by the Senate. We have on our list approximately nine requests for committees of conference from the House; we will continue to get more. My intent would be to deal with each one of these. There does not need to be a description of the changes because we're forming committees of conference. We will then recess, and any requests for committee of conferences that come in after that during recess we will automatically accede to them and will form the committee of conference. So, that's the general plan; that's what we've done in past years. So, let's just deal with the ones we have on our list. We're dealing with requests for committee of conference on the back page.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled bill sent down from the Senate:

HB 25-FN-A, making appropriations for capital improvements. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Chandler, Seidel, Graham, E. Smith, Campbell.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

Sen. Boutin accedes to House Request. Adopted.

The President appointed Senators Boutin, Rausch, Larsen.

HB 248, establishing a commission to study business regulations in New Hampshire.

Sen. Prescott accedes to House Request. Adopted.

The President appointed Senators Sanborn, De Blois, Kelly.

HB 601-FN, relative to implementation of federal health care reform.

Sen. Prescott accedes to House Request. Adopted.

The President appointed Senators White, Forrester, Houde.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

Sen. Prescott accedes to House Request. Adopted.

The President appointed Senators Sanborn, De Blois, Kelly.

Sen. Sanborn asserts Rule 2-15 on HB 605.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

Sen. Carson accedes to House Request. Adopted.

The President appointed Senators White, Groen, Larsen.

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Sen. Morse accedes to House Request. Adopted.

The President appointed Senators Morse, Odell, D'Allesandro.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

Sen. Morse accedes to House Request. Adopted.

The President appointed Senators Morse, Odell, D'Allesandro.

HB 337 FN-L, relative to the calculation and distribution of adequate education grants.

Sen. Morse accedes to House Request. Adopted.

The President appointed Senators Stiles, Rausch, Kelly.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

Sen. Houde accedes to House Request. Adopted.

The President appointed Senators Forrester, Gallus, Merrill.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted. Adjournment from the Early Session.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Bradley: SB 144, SB 154-FN

Sen. Carson: SB 194

Sen. Groen: SB 28

Sen. Sanborn: SB 120, HB 605

Sen. White: SB 50, SB 157-FN, SB 162-FN, SB 170

ANNOUNCEMENTS

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. Early on, you mentioned the fact that we wouldn't be meeting next week; is that in granite?

PRESIDENT BRAGDON: It is not in granite, but we will not be meeting next week.

SENATOR BARNES: Thank you.

PRESIDENT BRAGDON: We will be meeting again – my intention, I believe – is two weeks from today to take up all the committee of conference reports.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Mister President, I just wanted to announce to the body that the committee of conference on HB 25, Capital Budget, is scheduled for 9:30 tomorrow morning in Room 201.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. I just wanted to let everyone know that I have thoroughly enjoyed the peace and harmony that I experienced today; it's been pleasant. But, sitting here in the peace and harmony, I couldn't help but notice the fighting and some of the disruptions, and it reminded me of a disease entity that I read about recently, that the cure is to quit fighting. And, of course, the disease, you all know, is the Devil's Facial Tumor Disease, and of course I'm referring to that sweet little marsupial that lives in Tasmania: the Tasmanian Devil. And, it is almost extinct because of a malignant transmissible tumor caused by fighting. So, the moral of the story is, lest we succumb to a malignant tumor, we should stop fighting. Thank you.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of sending and receiving messages, processing enrolled bill reports and amendments, and forming Committees of Conference, and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 141, relative to protected utility services.
and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sorg, McClarren, Giuda, LaCasse.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

Sen. Houde accedes to House Request. Adopted.

The President appointed Senators Carson, Forsythe, Kelly.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

Sen. Odell accedes to House Request. Adopted.

The President appointed Senators Odell, Groen, D'Allesandro.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

Sen. Houde accedes to House Request. Adopted.

The President appointed Senators Stiles, Groen, Kelly.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Sen. Odell accedes to House Request. Adopted.

The President appointed Senators Bradley, Lambert, Merrill.

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

Sen. Stiles accedes to House Request. Adopted.

The President appointed Senators Stiles, Forsythe, Kelly.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 12, relative to screening panels for medical injury claims.
and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Rowe, Weber, Peterson, B. Palmer

SB 45, relative to criteria for designation as a Granite State scholar.

REPRESENTATIVES: Balboni, Ladd, Boehm, Gile

SB 50, making various changes to laws regulating trusts and trust companies.

REPRESENTATIVES: Hunt, Jennifer Coffey, McClarren, Schlachman

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

REPRESENTATIVES: Welch, Kreis, Gagne, Shurtleff

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

REPRESENTATIVES: Hess, R. Ober, K. Murphy, Daugherty

SB 68, relative to records of disciplinary actions taken by the electricians' board.

REPRESENTATIVES: Hawkins, Sytek, Hansen, Bowers

SB 70-FN, relative to remedies in landlord-tenant actions.

REPRESENTATIVES: Giuda, Sorg, McClarren, Rowe

SB 75-FN, relative to clarification of part-time service in the state retirement system.

REPRESENTATIVES: Hawkins, Cohn, Winter, Shuler

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

REPRESENTATIVES: Kreis, Welch, Gagne, Shurtleff

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

REPRESENTATIVES: Balboni, Fleck, Lauer-Rago, Gile

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

REPRESENTATIVES: Swinford, Kreis, Gagne, Welch

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

REPRESENTATIVES: C. McGuire, Whitehead, Sytek, Pilotte

SB 162-FN, relative to federal health care reform 2010.

REPRESENTATIVES: Hunt, Flanders, Manuse, Taylor

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

REPRESENTATIVES: C. McGuire, Hawkins, Winter, D. Sullivan

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

REPRESENTATIVES: Balboni, Boehm, Hill, Gile

HOUSE MESSAGE

The House of Representatives refuses to accede to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 115, relative to observing voter check-in.

SB 183, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

SB 193, relative to nomination of political organizations.

June 9, 2011

2011-2304-EBA

05/09

Enrolled Bill Amendment to HB 191

The Committee on Enrolled Bills to which was referred HB 191

AN ACT relative to the community mental health system.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 191

This enrolled bill amendment inserts text from existing law that was inadvertently omitted from section 1 of the bill.

Enrolled Bill Amendment to HB 191

Amend RSA 135-C:2, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. "Advanced practice registered nurse" or "APRN" means an advanced practice registered nurse licensed by the board of nursing who is ***certified as a psychiatric mental health nurse practitioner by a board-recognized national certifying body*** [~~specialist and who has at least 2 years' experience as an advanced practice registered nurse working with individuals who have mental illness, as defined in paragraph X of this section, and who meets any other criteria specified in rules adopted by the department~~].

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 8, 2011

2011-2295-EBA

06/04

Enrolled Bill Amendment to HCR 9

The Committee on Enrolled Bills to which was referred HCR 9

AN ACT urging the President and Congress to address the privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency at the nation's airports.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HCR 9

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HCR 9

Amend the resolution by replacing line 2 of the second paragraph after the resolving clause with the following:

senate president, be forwarded by the house clerk to the Speaker of the United States House of

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 74, relative to the ticketing and season passes at Cannon Mountain.

HB 109, relative to residential fire sprinklers.

HB 190, relative to legislative study committees.

HB 205, relative to notice to owners of upstream dams.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.

HB 329, requiring parental notification before abortions may be performed on unemancipated minors.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding the responsibilities of the advisory committee on emergency preparedness and security.

HB 398, relative to service animals.

HB 409, relative to planning board members.

HB 424, relative to surplus lines tax collection.

HB 468, relative to assessments for aquatic resource compensatory mitigation.

HB 487, relative to election day registrants.

HB 579, exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.

HB 635, requiring the governor to consolidate certain agency functions and making an appropriation therefor.

HB 642, requiring the departments of health and human services and administrative services to jointly issue a certain request for information.

SB 22, relative to alternative regulation of small incumbent local exchange carriers.

SB 34, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax.

SB 56, authorizing the department of revenue administration to accept credit card and debit card payments of taxes.

SB 65, making technical corrections to a law relative to court facility financing.

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park.

SB 139, relative to state recoveries of public assistance caused by fraud.

SB 176, relative to marriage licenses.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 82, relative to the annulment of criminal records.

HB 147, making the commission of certain offenses punishable under the capital murder statute.

HB 173, relative to service of process on commercial tenants.

HB 187, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

HB 191, relative to the community mental health system.

HB 355, enabling state and local fire and building officials to issue citations for violations of certain fire safety rules and licensing violations for gas fitters, electricians, and plumbers.

HB 478, relative to testimony by video teleconference.

HB 511, relative to retired judges over 70 years of age.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

HB 650, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.

SB 64, removing the oath requirement for class B misdemeanor criminal complaints filed by police officers.

SB 82, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.

SB 93, relative to pharmacist administration of vaccines.

SB 98, revising the international registration plan.

SB 144, relative to approvals for site plans and subdivision of land.

SB 146, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill HB 590, establishing a committee to review state participation in federal grant-in-aid programs.

SB 67, establishing a committee to study the implementation of an education tax credit plan in New Hampshire.

SB 151, relative to contracts of the department of health and human services.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

**June 10, 2011
2011-2316-EBA
04/01**

Enrolled Bill Amendment to SB 3-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred SB 3-FN-A-LOCAL AN ACT relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 3-FN-A-LOCAL

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to SB 3-FN-A-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT making comprehensive changes to the state retirement system.

Sen. Sanborn moved adoption of the Enrolled Bill Amendment. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill SB 3, making comprehensive changes to the state retirement system.

Sen. Sanborn moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill SB 129, relative to presenting photo identification to vote in person and relative to the election fund.

SB 154, reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

SB 157, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

SB 194, relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

Sen. Sanborn moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

SB 30, relative to including a parent's residence in the parenting plan.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 51, relative to screening panel members for screening panels for medical injury claims.

HB 52, relative to grounds for modification of parental rights and responsibilities.

HB 175, relative to technical changes in life, accident, and health insurance.

HB 218, relative to the New Hampshire rail transit authority.

HB 276, relative to wine manufacturers.

HB 322, relative to occupancy fees charged by manufactured housing park owners.

HB 381, authorizing net metering for micro-combined heat and power systems.

HB 505, making charter schools eligible for grants for leased space.

HB 565, establishing a dental hygienists committee within the board of dental examiners.

HB 585, proclaiming the third week of October as New Hampshire history week.

SB 21, relative to exemptions from excavating and drainage permits.

SB 37, relative to the determination of residency for certain pupils.

SB 58, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.

SB 99, relative to trailer brakes.

SB 116, relative to the manufactured housing installation standards board and relative to the definition of a modular building.

SB 125, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

SB 135, relative to election returns and election records.

SB 156, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

Sen. Sanborn moved adoption of the Report of Committee on Enrolled Bills. Adopted.

CONFEREE CHANGES

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

CONFEREE CHANGE: Sen. White Replaced Sen. Houde

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

CONFEREE CHANGE: Sen. Bradley Replaced Sen. Houde

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

CONFEREE CHANGE: Sen. Bragdon Replaced Sen. Kelly

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

CONFEREE CHANGE: Sen. Barnes Replaced Sen. D'Allesandro

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

CONFEREE CHANGE: Sen. Barnes Replaced Sen. D'Allesandro

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

CONFEREE CHANGE: Sen. Carson Replaced Sen. Sanborn

CONFEREE CHANGE: Sen. Barnes Replaced Sen. White

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

CONFEREE CHANGE: Sen. Forsythe Replaced Sen. Kelly

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

CONFEREE CHANGE: Sen. Boutin Replaced Sen. Groen

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

CONFEREE CHANGE: Sen. Carson Replaced Sen. Kelly

HB 601 FN, relative to implementation of federal health care reform.

CONFEREE CHANGE: Sen. Bradley Replaced Sen. Houde

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

June 22, 2011

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditation and prayer.

Good morning. Well, many of you probably know that in the Christian Church, we recently celebrated the Festival of Pentecost, which is the birthday of the Christian Church. And, this was the day, nearly 2,000 years ago, when The Spirit gave Jesus' followers the ability to speak in a variety of different languages so that every single person in the crowd that was listening to them that day understood what they were saying. Well, today, when God inspires us, we don't necessarily receive a new tongue, a new language, but we do receive a new voice. And, I just want you to think about a time when you may have been in the presence of someone who desperately needed your help. They might have been newly bereaved, they might have been recently diagnosed with a fatal illness, they might have been in some terrible conflict with someone and just unable to see past their anger. And, you came into that situation just not knowing at all what you were going to say, and then all of a sudden, as you began to speak to them, you discovered that you had just the right words to help that person in that particular situation. Today, when God inspires us, we do not necessarily receive a new language, but we do receive a new voice. Let us pray.

Spirit of God, Giver of Life, moving between us and around, like wind or water or fire; breathe into us Your freshness that we may awake; cleanse our vision that we may see more clearly; kindle our senses that we may feel more sharply; and give us the courage to live as You would have us live.
Amen.

Sen. Morse led the Pledge of Allegiance.

PRESIDENT BRAGDON: I'll let you know, the first order of business when we get to the bills will be House Bill 1, House Bill 2, and House Bill 337 came in after the reporting deadline; the first order of business will be a motion to suspend the rules to allow consideration of those reports that came in after the deadline; that will require a 2/3 vote.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I am happy to introduce our Senate Pages for today. First is Zachary Spiegel. Zachary attends Derryfield School; he's 14 and in grade 9. He is from Concord. His favorite subject is Latin; favorite book: *Call it Courage*. Extracurricular activities are in theater, and in the future he hopes to work in performing arts. During the last New Hampshire Presidential Primary, Zac interviewed presidential candidates Obama and McCain for Scholastic News, and as a student reporter, he wrote articles and was featured on ABC News and interviewed with the National Public Radio's Linda Wertheimer. So, welcome, Zac; we hope you continue in your interests.

Also with us is Jordan Bodwell. Jordan is 18 and graduated from Concord High. His favorite subject is in English. His extracurricular activities include student government, wrestling, football, and work – that's hardly extracurricular, but I guess it is. In the future he hopes to graduate from law school and become a trial lawyer. So, welcome. I understand you spoke at graduation, so we are glad to have you here, Jordan, and I hope you find this day interesting. Thank you.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

SUSPENSION OF SENATE RULES

Sen. Bradley moved that the Senate Rules be suspended in order to allow HB 1-A, HB 2-FN-A-L, and HB 337-FN-L to be acted on as the committee of conference reports were signed after the Senate deadline.

The question is on the motion to suspend the rules. Adopted by necessary 2/3 vote.

COMMITTEE OF CONFERENCE REPORTS

Without objection, the Clerk shall read the first recommendation in its entirety and thereafter read the title of each bill only.

Committee of Conference Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

State of New Hampshire

AMENDMENTS TO
HB 0001

FISCAL YEAR 2012 FISCAL YEAR 2013

AMEND SECTION 1 OF THE BILL
BY MAKING THE FOLLOWING SPECIFIC CHANGES, AND BY
CHANGING SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED
TO REFLECT THE SPECIFIED CHANGES.

CATEGORY:	01	GENERAL GOVERNMENT		
DEPARTMENT:	38	STATE TREASURY		
AGENCY:	038	TREASURY- DEPT OF		
ACTIVITY:	381010	UNIQUE PROGRAM		
ORGANIZATION:	1047	UNIQUE PROGRAM		
STRIKE OUT				
107	Scholarships & Grants		5,000,000	2,000,000
INSERT IN PLACE THEREOF				
107	Scholarships & Grants		3,500,000	500,000
STRIKE OUT				
TOTAL EXPENSES			5,300,000	2,325,000
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			3,800,000	825,000
STRIKE OUT				
009	Agency Income		5,300,000	2,325,000
INSERT IN PLACE THEREOF				
009	Agency Income		3,800,000	825,000
STRIKE OUT				
TOTAL FUNDS				
INSERT IN PLACE THEREOF				
TOTAL FUNDS				
TOTAL EXPENSES FOR UNIQUE PROGRAM			3,800,000	825,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIQUE PROGRAM				
OTHER FUNDS			3,800,000	825,000
TOTAL FUNDS			3,800,000	825,000

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012		FISCAL YEAR 2013	
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	38	STATE TREASURY	(CONT.)		
AGENCY:	038	TREASURY- DEPT OF	(CONT.)		
ACTIVITY:	381010	UNIQUE PROGRAM	(CONT.)		
TOTAL EXPENSES FOR UNIQUE PROGRAM		3,800,000		825,000	
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIQUE PROGRAM					
OTHER FUNDS		3,800,000		825,000	
TOTAL FUNDS		3,800,000		825,000	
TOTAL EXPENSES FOR TREASURY- DEPT OF		176,446,439		176,206,647	
TOTAL ESTIMATED SOURCE OF FUNDS FOR TREASURY- DEPT OF					
FEDERAL FUNDS		2,119,556		2,119,556	
GENERAL FUND		153,865,047		156,761,857	
OTHER FUNDS		20,461,836		17,325,234	
TOTAL FUNDS		176,446,439		176,206,647	
TOTAL EXPENSES FOR STATE TREASURY		176,446,439		176,206,647	
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE TREASURY					
FEDERAL FUNDS		2,119,556		2,119,556	
GENERAL FUND		153,865,047		156,761,857	
OTHER FUNDS		20,461,836		17,325,234	
TOTAL FUNDS		176,446,439		176,206,647	
CATEGORY:	01	GENERAL GOVERNMENT			
DEPARTMENT:	59	NH RETIREMENT SYSTEM			
AGENCY:	059	N H RETIREMENT SYSTEM			
ACTIVITY:	590610	STATE CONTRIBUTIONS			
ORGANIZATION:	1052	STATE CONTRIBUTIONS			
INSERT					
064	Ret-Pension Bene-Health Ins				
INSERT					
064	F. This appropriation shall not lapse until June 30, 2013.	3,500,000		0	
INSERT					
TOTAL EXPENSES		3,500,000		0	

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	59	NH RETIREMENT SYSTEM	(CONT.)		
AGENCY:	089	N H RETIREMENT SYSTEM	(CONT.)		
ACTIVITY:	590510	STATE CONTRIBUTIONS	(CONT.)		
ORGANIZATION:	1052	STATE CONTRIBUTIONS	(CONT.)		
INSERT		General Fund		3,500,000	0
INSERT		TOTAL FUNDS		3,500,000	0
TOTAL EXPENSES FOR STATE CONTRIBUTIONS					
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE CONTRIBUTIONS					
GENERAL FUND				3,500,000	0
TOTAL FUNDS				3,500,000	0
TOTAL EXPENSES FOR STATE CONTRIBUTIONS					
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE CONTRIBUTIONS					
GENERAL FUND				3,500,000	0
TOTAL FUNDS				3,500,000	0
TOTAL EXPENSES FOR N H RETIREMENT SYSTEM					
TOTAL ESTIMATED SOURCE OF FUNDS FOR N H RETIREMENT SYSTEM					
GENERAL FUND				3,500,000	0
OTHER FUNDS				8,582,143	8,582,143
TOTAL FUNDS				12,078,930	8,582,143
TOTAL EXPENSES FOR NH RETIREMENT SYSTEM					
TOTAL ESTIMATED SOURCE OF FUNDS FOR NH RETIREMENT SYSTEM					
GENERAL FUND				3,500,000	0
OTHER FUNDS				8,578,930	8,582,143
TOTAL FUNDS				12,078,930	8,582,143

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT			
DEPARTMENT:	31	JOINT BOARD OF LICENSURE & CERT			
AGENCY:	031	JOINT BOARD OF LICENSURE -CERT			
ACTIVITY:	310010	JOINT BOARD			
ORGANIZATION:	2250	JOINT BOARD ADMIN			
STRIKE OUT					
020 Current Expenses				160,275	168,275
INSERT IN PLACE THEREOF					
020 Current Expenses				162,953	171,954
STRIKE OUT				455	0
028 Transfers To General Services					
INSERT IN PLACE THEREOF					
028 Transfers To General Services				910	0
STRIKE OUT					
050 Personal Service-Temp/Appointe				51,200	50,300
INSERT IN PLACE THEREOF					
050 Personal Service-Temp/Appointe				55,312	53,992
STRIKE OUT				244,462	257,870
060 Benefits					
INSERT IN PLACE THEREOF					
060 Benefits				244,803	258,176
STRIKE OUT					
TOTAL EXPENSES				1,021,690	1,010,589
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				1,029,276	1,018,266
INSERT					
004 Intra-Agency Transfers					
STRIKE OUT				3,133	3,224
General Fund					
INSERT IN PLACE THEREOF				993,690	982,589
General Fund					
STRIKE OUT				998,143	987,042
TOTAL FUNDS					
INSERT IN PLACE THEREOF				1,021,690	1,010,589
TOTAL FUNDS				1,029,276	1,018,266

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
DEPARTMENT:	31	JOINT BOARD OF LICENSURE & CERT	(CONT.)		
AGENCY:	031	JOINT BOARD OF LICENSURE -CERT	(CONT.)		
ACTIVITY:	310010	JOINT BOARD	(CONT.)		
ORGANIZATION:	2250	JOINT BOARD ADMIN	(CONT.)		
TOTAL EXPENSES FOR JOINT BOARD ADMIN				1,029,276	1,018,266
TOTAL ESTIMATED SOURCE OF FUNDS FOR JOINT BOARD ADMIN					
GENERAL FUND				998,143	987,042
OTHER FUNDS				31,133	31,224
TOTAL FUNDS				1,029,276	1,018,266
TOTAL EXPENSES FOR JOINT BOARD				1,029,276	1,018,266
TOTAL ESTIMATED SOURCE OF FUNDS FOR JOINT BOARD					
GENERAL FUND				998,143	987,042
OTHER FUNDS				31,133	31,224
TOTAL FUNDS				1,029,276	1,018,266
TOTAL EXPENSES FOR JOINT BOARD OF LICENSURE -CERT				1,029,276	1,018,266
TOTAL ESTIMATED SOURCE OF FUNDS FOR JOINT BOARD OF LICENSURE -CERT					
GENERAL FUND				998,143	987,042
OTHER FUNDS				31,133	31,224
TOTAL FUNDS				1,029,276	1,018,266
TOTAL EXPENSES FOR JOINT BOARD OF LICENSURE & CERT				1,029,276	1,018,266
TOTAL ESTIMATED SOURCE OF FUNDS FOR JOINT BOARD OF LICENSURE & CERT					
GENERAL FUND				998,143	987,042
OTHER FUNDS				31,133	31,224
TOTAL FUNDS				1,029,276	1,018,266

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	01	GENERAL GOVERNMENT	(CONT.)		
TOTAL EXPENSES FOR GENERAL GOVERNMENT					
TOTAL ESTIMATED SOURCE OF FUNDS FOR GENERAL GOVERNMENT					
FEDERAL FUNDS				469,417,441	470,032,669
OTHER FUNDS				43,807,972	44,703,600
TOTAL FUNDS				255,779,986	256,984,838
				169,829,483	168,344,231
				469,417,441	470,032,669
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT			
AGENCY:	012	ADJUTANT GENERAL			
ACTIVITY:	120010	ADJUTANT GENERAL			
ORGANIZATION:	2220	ADMINISTRATION AND ARMORIES			
STRIKE OUT				791,490	775,811
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				733,916	718,158
STRIKE OUT				495,548	524,054
060 Benefits					
INSERT IN PLACE THEREOF				452,726	477,997
STRIKE OUT					
TOTAL EXPENSES				1,882,936	1,914,461
INSERT IN PLACE THEREOF				1,782,540	1,810,751
TOTAL EXPENSES				1,850,880	1,882,522
STRIKE OUT					
General Fund				1,750,484	1,778,812
INSERT IN PLACE THEREOF					
General Fund				1,882,936	1,914,461
STRIKE OUT					
TOTAL FUNDS				1,782,540	1,810,751
INSERT IN PLACE THEREOF					
TOTAL FUNDS					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT	(CONT.)		
AGENCY:	012	ADJUTANT GENERAL	(CONT.)		
ACTIVITY:	120010	ADJUTANT GENERAL	(CONT.)		
ORGANIZATION:	2220	ADMINISTRATION AND ARMORIES	(CONT.)		
TOTAL EXPENSES FOR ADMINISTRATION AND ARMORIES				1,782,540	1,810,751
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION AND ARMORIES					
FEDERAL FUNDS					
GENERAL FUND				32,056	31,839
TOTAL FUNDS				1,750,484	1,778,812
				1,782,540	1,810,751
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT			
AGENCY:	012	ADJUTANT GENERAL			
ACTIVITY:	120010	ADJUTANT GENERAL			
ORGANIZATION:	2233	AIR NATIONAL GUARD MINT/OPER			
STRIKE OUT				839,868	822,689
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				796,615	779,211
STRIKE OUT				536,983	570,075
060 Benefits					
INSERT IN PLACE THEREOF				512,684	544,130
060 Benefits					
STRIKE OUT				2,324,108	2,339,121
TOTAL EXPENSES					
TOTAL EXPENSES				2,256,556	2,269,698
STRIKE OUT				1,763,143	1,774,112
000 Federal Funds					
INSERT IN PLACE THEREOF					
000 Federal Funds				1,712,479	1,722,045
STRIKE OUT				560,965	565,009
General Fund					
INSERT IN PLACE THEREOF				544,077	547,653
General Fund					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT	(CONT.)		
AGENCY:	012	ADJUTANT GENERAL	(CONT.)		
ACTIVITY:	120010	ADJUTANT GENERAL	(CONT.)		
ORGANIZATION:	2233	AIR NATIONAL GUARD MNT/OPER	(CONT.)		
STRIKE OUT					
TOTAL FUNDS				2,324,108	2,339,121
INSERT IN PLACE THEREOF					
TOTAL FUNDS				2,256,556	2,269,698
TOTAL EXPENSES FOR AIR NATIONAL GUARD MNT/OPER				2,256,556	2,269,698
TOTAL ESTIMATED SOURCE OF FUNDS FOR AIR NATIONAL GUARD MNT/OPER				1,712,479	1,722,045
FEDERAL FUNDS					547,653
TOTAL FUNDS				2,256,556	2,269,698
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT			
AGENCY:	012	ADJUTANT GENERAL			
ACTIVITY:	120010	ADJUTANT GENERAL			
ORGANIZATION:	2240	ARMY AND STATE 50/50			
STRIKE OUT					
010	Personal Services-Perm. Classi			333,521	325,120
INSERT IN PLACE THEREOF					
010	Personal Services-Perm. Classi			294,000	286,730
STRIKE OUT					
060	Benefits			221,883	235,831
INSERT IN PLACE THEREOF					
060	Benefits			198,329	210,898
STRIKE OUT					
TOTAL EXPENSES				1,592,433	1,592,244
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				1,529,358	1,528,921
STRIKE OUT					
000	Federal Funds			802,418	802,147
INSERT IN PLACE THEREOF					
000	Federal Funds			770,881	770,486

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT	(CONT.)		
AGENCY:	012	ADJUTANT GENERAL	(CONT.)		
ACTIVITY:	120010	ADJUTANT GENERAL	(CONT.)		
ORGANIZATION:	2240	ARMY AND STATE 50/50	(CONT.)		
STRIKE OUT		General Fund		790,015	790,097
INSERT IN PLACE THEREOF		General Fund		758,477	758,435
STRIKE OUT		TOTAL FUNDS		1,592,433	1,592,244
INSERT IN PLACE THEREOF		TOTAL FUNDS		1,529,358	1,528,921
TOTAL EXPENSES FOR ARMY AND STATE 50/50				1,529,358	1,528,921
TOTAL ESTIMATED SOURCE OF FUNDS FOR ARMY AND STATE 50/50					
FEDERAL FUNDS				770,486	770,486
GENERAL FUND				758,477	758,435
TOTAL FUNDS				1,529,358	1,528,921
TOTAL EXPENSES FOR ADJUTANT GENERAL				28,701,093	28,853,221
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADJUTANT GENERAL					
FEDERAL FUNDS				25,438,467	25,562,150
GENERAL FUND				3,189,072	3,221,029
OTHER FUNDS				73,554	70,042
TOTAL FUNDS				28,701,093	28,853,221
TOTAL EXPENSES FOR ADJUTANT GENERAL				29,276,943	29,436,942
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADJUTANT GENERAL					
FEDERAL FUNDS				25,732,828	25,903,288
GENERAL FUND				3,421,599	3,411,251
OTHER FUNDS				122,516	122,403
TOTAL FUNDS				29,276,943	29,436,942

State of New Hampshire

AMENDMENTS TO			FISCAL YEAR 2012	FISCAL YEAR 2013
HB 0001				
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	12	ADJUTANT GENERAL DEPARTMENT	(CONT.)	(CONT.)
TOTAL EXPENSES FOR ADJUTANT GENERAL DEPARTMENT			29,276,943	29,436,942
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADJUTANT GENERAL DEPARTMENT				
FEDERAL FUNDS			25,732,828	25,903,288
OTHER FUNDS			3,421,589	3,411,251
TOTAL FUNDS			122,516	122,403
			29,276,943	29,436,942
CATEGORY: 02				
DEPARTMENT: 77				
AGENCY: 077				
ACTIVITY: 771612				
ORGANIZATION: 1030				
ADMIN OF JUSTICE AND PUBLIC PRTN				
LIQUOR COMMISSION				
LIQUOR COMMISSION				
MARKETING AND MERCHANDISING				
STORE OPERATIONS				
STRIKE OUT			679,944	761,944
043 Debt Service				
INSERT IN PLACE THEREOF				
043 Debt Service			734,944	1,059,944
STRIKE OUT				
TOTAL EXPENSES			31,963,218	33,216,911
INSERT IN PLACE THEREOF				
TOTAL EXPENSES			32,018,218	33,514,911
STRIKE OUT				
Liquor Fund			31,963,218	33,216,911
INSERT IN PLACE THEREOF				
Liquor Fund			32,018,218	33,514,911
STRIKE OUT				
TOTAL FUNDS			31,963,218	33,216,911
INSERT IN PLACE THEREOF				
TOTAL FUNDS			32,018,218	33,514,911

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)	
DEPARTMENT:	77	LIQUOR COMMISSION	(CONT.)	
AGENCY:	077	LIQUOR COMMISSION	(CONT.)	
ACTIVITY:	771612	MARKETING AND MERCHANDISING	(CONT.)	
ORGANIZATION:	1030	STORE OPERATIONS	(CONT.)	
TOTAL EXPENSES FOR STORE OPERATIONS			32,018,218	33,514,911
TOTAL ESTIMATED SOURCE OF FUNDS FOR STORE OPERATIONS			32,018,218	33,514,911
LIQUOR FUND			32,018,218	33,514,911
TOTAL FUNDS				
TOTAL EXPENSES FOR MARKETING AND MERCHANDISING			36,262,538	37,771,350
TOTAL ESTIMATED SOURCE OF FUNDS FOR MARKETING AND MERCHANDISING			36,228,028	37,736,847
LIQUOR FUND			34,510	34,503
OTHER FUNDS			36,262,538	37,771,350
TOTAL FUNDS				
TOTAL EXPENSES FOR LIQUOR COMMISSION			47,211,717	48,767,912
TOTAL ESTIMATED SOURCE OF FUNDS FOR LIQUOR COMMISSION			46,553,961	48,110,163
LIQUOR FUND			657,756	657,749
OTHER FUNDS			47,211,717	48,767,912
TOTAL FUNDS				
TOTAL EXPENSES FOR LIQUOR COMMISSION			47,211,717	48,767,912
TOTAL ESTIMATED SOURCE OF FUNDS FOR LIQUOR COMMISSION			46,553,961	48,110,163
LIQUOR FUND			657,756	657,749
OTHER FUNDS			47,211,717	48,767,912
TOTAL FUNDS				
CATEGORY:			02	ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT:			23	DEPARTMENT OF SAFETY
AGENCY:			023	SAFETY, DEPT OF
ACTIVITY:			231010	OFFICE OF COMMISSIONER
ORGANIZATION:			2300	OFFICE OF THE COMMISSIONER

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	231010	OFFICE OF COMMISSIONER		
ORGANIZATION:	2300	OFFICE OF THE COMMISSIONER		
STRIKE OUT				
General Fund		(CONT.)	3,196,646	3,180,326
INSERT IN PLACE THEREOF		(CONT.)		
General Fund		(CONT.)	1,446,646	1,430,326
INSERT		(CONT.)	1,750,000	1,750,000
Highway Funds		(CONT.)		
STRIKE OUT			3,196,646	3,180,326
TOTAL FUNDS				
INSERT IN PLACE THEREOF			3,196,646	3,180,326
TOTAL FUNDS				
TOTAL EXPENSES FOR OFFICE OF THE COMMISSIONER			3,196,646	3,180,326
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF THE COMMISSIONER				
GENERAL FUND			1,446,646	1,430,326
HIGHWAY FUNDS			1,750,000	1,750,000
TOTAL FUNDS			3,196,646	3,180,326
TOTAL EXPENSES FOR OFFICE OF COMMISSIONER			12,813,247	12,382,248
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF COMMISSIONER				
FEDERAL FUNDS			9,328,862	8,916,323
GENERAL FUND			1,446,646	1,430,326
HIGHWAY FUNDS			1,750,000	1,750,000
OTHER FUNDS			287,739	285,589
TOTAL FUNDS			12,813,247	12,382,248
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	234010	DIVISION OF STATE POLICE		
ORGANIZATION:	5412	DETECTIVE BUREAU		

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234010	DIVISION OF STATE POLICE	(CONT.)		
ORGANIZATION:	5412	DETECTIVE BUREAU	(CONT.)		
STRIKE OUT				7,226,490	1,500,000
009 Agency Income					
INSERT IN PLACE THEREOF					
009 Agency Income				7,226,490	7,110,548
STRIKE OUT				0	5,610,548
STRIKE OUT					
TOTAL FUNDS				7,226,490	7,110,548
INSERT IN PLACE THEREOF					
TOTAL FUNDS				7,226,490	7,110,548
TOTAL EXPENSES FOR DETECTIVE BUREAU				7,226,490	7,110,548
TOTAL ESTIMATED SOURCE OF FUNDS FOR DETECTIVE BUREAU				7,226,490	7,110,548
OTHER FUNDS				7,226,490	7,110,548
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	234010	DIVISION OF STATE POLICE			
ORGANIZATION:	8239	URINE & CODIS TESTING LAB			
STRIKE OUT				465,786	0
009 Agency Income					
INSERT IN PLACE THEREOF					
009 Agency Income				465,786	462,213
STRIKE OUT				0	462,213
STRIKE OUT					
TOTAL FUNDS				465,786	462,213
INSERT IN PLACE THEREOF					
TOTAL FUNDS				465,786	462,213

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	234010	DIVISION OF STATE POLICE		
ORGANIZATION:	8239	URINE & CODIS TESTING LAB		
		TOTAL EXPENSES FOR URINE & CODIS TESTING LAB	465,786	462,213
		TOTAL ESTIMATED SOURCE OF FUNDS FOR URINE & CODIS TESTING LAB	465,786	462,213
		OTHER FUNDS		462,213
		TOTAL FUNDS		
		TOTAL EXPENSES FOR DIVISION OF STATE POLICE	22,166,965	22,027,756
		TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF STATE POLICE		
		FEDERAL FUNDS	3,124,171	3,011,170
		GENERAL FUND	0	61,220
		OTHER FUNDS	19,042,794	18,955,366
		TOTAL FUNDS	22,166,965	22,027,756
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	236010	HOMELND SEC - EMER MGMT		
ORGANIZATION:	2730	DIR OF HOMELND SEC - EMER MGMT		
		STRIKE OUT		
	009	Agency Income	530,343	0
		INSERT IN PLACE THEREOF		
	009	Agency Income	530,343	653,130
		STRIKE OUT	0	653,130
		General Fund		
		STRIKE OUT		
		TOTAL FUNDS	530,343	653,130
		INSERT IN PLACE THEREOF		
		TOTAL FUNDS	530,343	653,130

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236010	HOMELND SEC - EMER MGMT	(CONT.)		
ORGANIZATION:	2730	DIR OF HOMELND SEC - EMER MGMT	(CONT.)		
TOTAL EXPENSES FOR DIR OF HOMELND SEC - EMER MGMT				530,343	653,130
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIR OF HOMELND SEC - EMER MGMT					
OTHER FUNDS				530,343	653,130
TOTAL FUNDS				530,343	653,130
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	236010	HOMELND SEC - EMER MGMT			
ORGANIZATION:	4378	FLOOD MITIGATION ASSISTANCE			
STRIKE OUT				43,012	0
009 Agency Income					
INSERT IN PLACE THEREOF				43,012	33,314
009 Agency Income					
STRIKE OUT				0	33,314
General Fund					
STRIKE OUT					
TOTAL FUNDS				2,184,936	1,143,743
INSERT IN PLACE THEREOF					
TOTAL FUNDS				2,184,936	1,143,743
TOTAL EXPENSES FOR FLOOD MITIGATION ASSISTANCE				2,184,936	1,143,743
TOTAL ESTIMATED SOURCE OF FUNDS FOR FLOOD MITIGATION ASSISTANCE					
FEDERAL FUNDS				2,141,924	1,110,429
OTHER FUNDS				43,012	33,314
TOTAL FUNDS				2,184,936	1,143,743

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236010	HOMELND SEC - EMER MGMT	(CONT.)		
TOTAL EXPENSES FOR HOMELND SEC - EMER MGMT				20,666,355	15,064,561
TOTAL ESTIMATED SOURCE OF FUNDS FOR HOMELND SEC - EMER MGMT					
FEDERAL FUNDS				14,960,405	9,543,322
GENERAL FUND				184,633	0
OTHER FUNDS				5,521,317	5,521,239
TOTAL FUNDS				20,666,355	15,064,561
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS			
ORGANIZATION:	1395	BUR OF EMERGENCY COMMUNICATION			
STRIKE OUT				5,642,473	5,531,063
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF					
010 Personal Services-Perm. Classi				5,067,463	4,970,660
STRIKE OUT				97,500	97,500
018 Overtime					
INSERT IN PLACE THEREOF					
018 Overtime				90,000	90,000
STRIKE OUT				505,567	585,184
020 Current Expenses					
INSERT IN PLACE THEREOF					
020 Current Expenses				499,167	560,184
STRIKE OUT				48,901	45,270
022 Rents-Leases Other Than State					
INSERT IN PLACE THEREOF					
022 Rents-Leases Other Than State				37,300	37,300
STRIKE OUT				152,627	158,782
023 Heat- Electricity - Water					
INSERT IN PLACE THEREOF					
023 Heat- Electricity - Water				67,851	70,588

State of New Hampshire

SENATE JOURNAL 22 JUNE 2011

1391

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS	(CONT.)		
ORGANIZATION:	1395	BUR OF EMERGENCY COMMUNICATION	(CONT.)		
STRIKE OUT				56,550	59,030
030		Equipment New/Replacement			
INSERT IN PLACE THEREOF					
030		Equipment New/Replacement		10,950	32,030
STRIKE OUT				150,000	0
048		Contractual Maint.-Build-Gmnds			
STRIKE OUT				3,534,661	3,585,262
060		Benefits			
INSERT IN PLACE THEREOF					
060		Benefits		3,248,811	3,283,541
STRIKE OUT				87,267	89,104
070		In-State Travel Reimbursement			
INSERT IN PLACE THEREOF					
070		In-State Travel Reimbursement		47,329	47,329
STRIKE OUT				44,500	44,500
103		Contracts for Op Services			
INSERT IN PLACE THEREOF					
103		Contracts for Op Services		14,500	14,500
STRIKE OUT					
TOTAL EXPENSES				11,259,503	11,207,379
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				10,022,828	10,117,816
STRIKE OUT				11,259,503	11,207,379
009		Agency Income			
INSERT IN PLACE THEREOF					
009		Agency Income		10,022,828	10,117,816
STRIKE OUT					
TOTAL FUNDS				11,259,503	11,207,379
INSERT IN PLACE THEREOF					
TOTAL FUNDS				10,022,828	10,117,816

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS	(CONT.)		
ORGANIZATION:	1396	BUR OF EMERGENCY COMMUNICATION	(CONT.)		
TOTAL EXPENSES FOR BUR OF EMERGENCY COMMUNICATION				10,022,828	10,117,816
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUR OF EMERGENCY COMMUNICATION				10,022,828	10,117,816
OTHER FUNDS				10,022,828	10,117,816
TOTAL FUNDS					
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS			
ORGANIZATION:	4001	COMMUNICATIONS SECTION			
STRIKE OUT				608,647	592,753
010 Personal Services-Perm. Classi					
INSERT IN PLACE THEREOF				1,183,657	1,153,156
010 Personal Services-Perm. Classi					
STRIKE OUT				42,500	42,500
018 Overtime					
INSERT IN PLACE THEREOF				50,000	50,000
018 Overtime					
STRIKE OUT				368,500	395,200
020 Current Expenses					
INSERT IN PLACE THEREOF				374,900	420,200
020 Current Expenses				1,399	5,030
STRIKE OUT					
022 Rents-Leases Other Than State					
INSERT IN PLACE THEREOF				13,000	13,000
022 Rents-Leases Other Than State					
INSERT				84,776	88,194
023 Heat-Electricity - Water					
STRIKE OUT				6,200	11,500
030 Equipment New/Replacement					
INSERT IN PLACE THEREOF				51,800	38,500
030 Equipment New/Replacement					

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS	(CONT.)		
ORGANIZATION:	4001	COMMUNICATIONS SECTION	(CONT.)		
STRIKE OUT					
048	Contractual Maint.-Build-Gmnds			15,600	15,600
INSERT IN PLACE THEREOF					
048	Contractual Maint.-Build-Gmnds			165,600	15,600
STRIKE OUT					
060	Benefits			332,376	349,748
INSERT IN PLACE THEREOF					
060	Benefits			618,226	651,469
STRIKE OUT					
070	In-State Travel Reimbursement			13,312	13,925
INSERT IN PLACE THEREOF					
070	In-State Travel Reimbursement			53,250	55,700
STRIKE OUT					
103	Contracts for Op Services			45,300	45,300
INSERT IN PLACE THEREOF					
103	Contracts for Op Services			75,300	75,300
STRIKE OUT					
TOTAL EXPENSES				1,592,563	1,641,786
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				2,829,238	2,731,349
STRIKE OUT					
009	Agency Income			1,592,563	1,641,786
INSERT IN PLACE THEREOF					
009	Agency Income			2,829,238	2,731,349
STRIKE OUT					
TOTAL FUNDS				1,592,563	1,641,786
INSERT IN PLACE THEREOF					
TOTAL FUNDS				2,829,238	2,731,349

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	236510	EMERGENCY COMMUNICATIONS	(CONT.)		
ORGANIZATION:	4001	COMMUNICATIONS SECTION	(CONT.)		
TOTAL EXPENSES FOR COMMUNICATIONS SECTION				2,829,238	2,731,349
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNICATIONS SECTION					
OTHER FUNDS				2,829,238	2,731,349
TOTAL FUNDS				2,829,238	2,731,349
TOTAL EXPENSES FOR EMERGENCY COMMUNICATIONS				17,437,373	17,481,605
TOTAL ESTIMATED SOURCE OF FUNDS FOR EMERGENCY COMMUNICATIONS					
OTHER FUNDS				17,437,373	17,481,605
TOTAL FUNDS				17,437,373	17,481,605
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	238010	FIRE SAFETY			
ORGANIZATION:	5008	MANUFACTURED HOUSING PROGRAM			
STRIKE OUT					
020 Current Expenses				2,300	2,300
STRIKE OUT					
029 Intra-Agency Transfers				3,133	3,224
STRIKE OUT					
050 Personal Service-Temp/Appointe				2,000	2,000
STRIKE OUT					
060 Benefits				153	153
STRIKE OUT					
TOTAL EXPENSES				7,586	7,677
STRIKE OUT					
009 Agency Income				7,586	7,677
STRIKE OUT					
TOTAL FUNDS				7,586	7,677

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	238010	FIRE SAFETY	(CONT.)		
ORGANIZATION:	5008	MANUFACTURED HOUSING PROGRAM	(CONT.)		
TOTAL EXPENSES FOR MANUFACTURED HOUSING PROGRAM				0	0
TOTAL ESTIMATED SOURCE OF FUNDS FOR MANUFACTURED HOUSING PROGRAM				0	0
TOTAL FUNDS					
TOTAL EXPENSES FOR FIRE SAFETY				4,441,657	4,470,853
TOTAL ESTIMATED SOURCE OF FUNDS FOR FIRE SAFETY					
FEDERAL FUNDS				179,000	179,075
GENERAL FUND				473,185	483,418
OTHER FUNDS				3,789,472	3,808,360
TOTAL FUNDS				4,441,657	4,470,853
CATEGORY: 02					
DEPARTMENT: 23					
AGENCY: 023					
ACTIVITY: 231015					
ORGANIZATION: 1234					
STRIKE OUT					
009 Agency Income				35,571	0
INSERT IN PLACE THEREOF					
009 Agency Income				35,571	34,932
STRIKE OUT					
General Fund				0	34,932
STRIKE OUT					
TOTAL FUNDS				118,570	116,441
INSERT IN PLACE THEREOF					
TOTAL FUNDS				118,570	116,441

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN		
DEPARTMENT:	23	DEPARTMENT OF SAFETY		
AGENCY:	023	SAFETY, DEPT OF		
ACTIVITY:	231016	OFFICE OF COMMISSIONER		
ORGANIZATION:	1234	OFFICE OF POLICY - PLANNING		
TOTAL EXPENSES FOR OFFICE OF POLICY - PLANNING			118,570	116,441
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF POLICY - PLANNING				
HIGHWAY FUNDS			82,999	81,509
OTHER FUNDS			35,571	34,932
TOTAL FUNDS			118,570	116,441
TOTAL EXPENSES FOR OFFICE OF COMMISSIONER			7,422,342	7,619,620
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFFICE OF COMMISSIONER				
HIGHWAY FUNDS			6,593,181	6,758,507
TURNPIKE FUNDS			537,400	570,455
OTHER FUNDS			291,761	290,658
TOTAL FUNDS			7,422,342	7,619,620
CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN				
DEPARTMENT: 23 DEPARTMENT OF SAFETY				
AGENCY: 023 SAFETY, DEPT OF				
ACTIVITY: 234016 DIVISION OF STATE POLICE				
ORGANIZATION: 4023 STATE POLICE EVIDENCE ACCOUNT				
STRIKE OUT			13,500	0
009 Agency Income				
INSERT IN PLACE THEREOF				
009 Agency Income			13,500	13,500
STRIKE OUT			0	13,500
General Fund				
STRIKE OUT				
TOTAL FUNDS			45,000	45,000
INSERT IN PLACE THEREOF				
TOTAL FUNDS			45,000	45,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
ACTIVITY:	234015	DIVISION OF STATE POLICE	(CONT.)		
ORGANIZATION:	4023	STATE POLICE EVIDENCE ACCOUNT	(CONT.)		
TOTAL EXPENSES FOR STATE POLICE EVIDENCE ACCOUNT				45,000	45,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE POLICE EVIDENCE ACCOUNT					
HIGHWAY FUNDS				31,500	31,500
OTHER FUNDS				13,500	13,500
TOTAL FUNDS				45,000	45,000
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN			
DEPARTMENT:	23	DEPARTMENT OF SAFETY			
AGENCY:	023	SAFETY, DEPT OF			
ACTIVITY:	234015	DIVISION OF STATE POLICE			
ORGANIZATION:	4014	STATE POLICE WITNESS FEES			
STRIKE OUT				18,000	0
009 Agency Income					
INSERT IN PLACE THEREOF				18,000	15,000
009 Agency Income				0	15,000
STRIKE OUT					
General Fund					
STRIKE OUT				600,000	500,000
TOTAL FUNDS					
INSERT IN PLACE THEREOF				600,000	500,000
TOTAL FUNDS					
TOTAL EXPENSES FOR STATE POLICE WITNESS FEES				600,000	500,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE POLICE WITNESS FEES					
HIGHWAY FUNDS				480,000	400,000
TURNPIKE FUNDS				102,000	85,000
OTHER FUNDS				18,000	15,000
TOTAL FUNDS				600,000	500,000

State of New Hampshire

AMENDMENTS TO
HB 0001

CATEGORY: 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT: 23 DEPARTMENT OF SAFETY
AGENCY: 023 SAFETY, DEPT OF
ACTIVITY: 234015 DIVISION OF STATE POLICE
ORGANIZATION: 4022 STATE POLICE FORENSIC LAB

FISCAL YEAR 2013

FISCAL YEAR 2012

STRIKE OUT	0	
009 Agency Income	874,406	
INSERT IN PLACE THEREOF		
009 Agency Income	874,406	882,937
STRIKE OUT	0	882,937
STRIKE OUT		
009 General Fund		
TOTAL FUNDS	2,914,685	2,943,121
INSERT IN PLACE THEREOF		
TOTAL FUNDS	2,914,685	2,943,121
TOTAL EXPENSES FOR STATE POLICE FORENSIC LAB		
TOTAL ESTIMATED SOURCE OF FUNDS FOR STATE POLICE FORENSIC LAB		
HIGHWAY FUNDS		
OTHER FUNDS	2,040,279	2,060,184
TOTAL FUNDS	874,406	882,937
	2,914,685	2,943,121
TOTAL EXPENSES FOR DIVISION OF STATE POLICE		
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF STATE POLICE		
FEDERAL FUNDS		
HIGHWAY FUNDS	757,819	787,504
TURNPIKE FUNDS	36,544,969	36,580,608
OTHER FUNDS	5,292,498	5,267,574
TOTAL FUNDS	905,906	911,437
	43,501,192	43,547,123

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	02	ADMIN OF JUSTICE AND PUBLIC PRTN	(CONT.)		
DEPARTMENT:	23	DEPARTMENT OF SAFETY	(CONT.)		
AGENCY:	023	SAFETY, DEPT OF	(CONT.)		
TOTAL EXPENSES FOR SAFETY, DEPT OF				170,718,497	164,204,163
TOTAL ESTIMATED SOURCE OF FUNDS FOR SAFETY, DEPT OF					
FEDERAL FUNDS				29,679,311	22,752,151
GENERAL FUND				2,104,464	1,974,964
HIGHWAY FUNDS				76,208,528	76,436,920
TURNPIKE FUNDS				5,882,448	5,890,579
OTHER FUNDS				56,843,746	57,149,549
TOTAL FUNDS				170,718,497	164,204,163
TOTAL EXPENSES FOR DEPARTMENT OF SAFETY				170,718,497	164,204,163
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF SAFETY					
FEDERAL FUNDS				29,679,311	22,752,151
GENERAL FUND				2,104,464	1,974,964
HIGHWAY FUNDS				76,208,528	76,436,920
TURNPIKE FUNDS				5,882,448	5,890,579
OTHER FUNDS				56,843,746	57,149,549
TOTAL FUNDS				170,718,497	164,204,163
TOTAL EXPENSES FOR ADMIN OF JUSTICE AND PUBLIC PRTN				596,270,251	596,187,126
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMIN OF JUSTICE AND PUBLIC PRTN					
FEDERAL FUNDS				101,659,955	94,583,861
GENERAL FUND				230,305,401	231,076,828
LIQUOR FUND				46,553,961	48,110,163
HIGHWAY FUNDS				79,088,275	79,305,631
TURNPIKE FUNDS				5,882,448	5,890,579
SWEEPSTAKES FUNDS				1,553,276	1,572,471
OTHER FUNDS				133,226,935	135,647,693
TOTAL FUNDS				598,270,251	596,187,126

State of New Hampshire

AMENDMENTS TO
HB 0001

			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF		
ACTIVITY:	351610	PARKS AND RECREATION		
ORGANIZATION:	3703	CANNON MOUNTAIN		
STRIKE OUT				
010	Personal Services-Perm. Classi		723,824	0
INSERT IN PLACE THEREOF				
010	Personal Services-Perm. Classi		723,824	713,653
STRIKE OUT				
011	Personal Services-Unclassified		76,908	0
INSERT IN PLACE THEREOF				
011	Personal Services-Unclassified		76,908	74,060
STRIKE OUT				
018	Overtime		35,000	0
INSERT IN PLACE THEREOF				
018	Overtime		35,000	36,000
STRIKE OUT				
019	Holiday Pay		27,000	0
INSERT IN PLACE THEREOF				
019	Holiday Pay		27,000	29,000
STRIKE OUT				
020	Current Expenses		502,500	0
INSERT IN PLACE THEREOF				
020	Current Expenses		502,500	523,500
STRIKE OUT				
022	Rents-Leases Other Than State		378,000	0
INSERT IN PLACE THEREOF				
022	Rents-Leases Other Than State		378,000	380,000
STRIKE OUT				
023	Heat- Electricity - Water		1,000,000	0
INSERT IN PLACE THEREOF				
023	Heat- Electricity - Water		1,000,000	1,000,000
STRIKE OUT				
024	Maint Other Than Build - Grnds		273,000	0
INSERT IN PLACE THEREOF				
024	Maint Other Than Build - Grnds		273,000	273,000

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT	(CONT.)		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF	(CONT.)		
ACTIVITY:	351510	PARKS AND RECREATION	(CONT.)		
ORGANIZATION:	3703	CANNON MOUNTAIN	(CONT.)		
STRIKE OUT					
026	Organizational Dues			35,000	0
INSERT IN PLACE THEREOF					
026	Organizational Dues			35,000	35,000
STRIKE OUT					
027	Transfers To DOIT			31,402	0
INSERT IN PLACE THEREOF					
027	Transfers To DOIT			31,402	31,036
STRIKE OUT					
030	Equipment New/Replacement			76,492	0
INSERT IN PLACE THEREOF					
030	Equipment New/Replacement			76,492	78,003
STRIKE OUT					
039	Telecommunications			16,000	0
INSERT IN PLACE THEREOF					
039	Telecommunications			16,000	17,000
STRIKE OUT					
042	Additional Fringe Benefits			45,000	0
INSERT IN PLACE THEREOF					
042	Additional Fringe Benefits			45,000	46,000
STRIKE OUT					
044	Debt Service Other Agencies			84,370	0
INSERT IN PLACE THEREOF					
044	Debt Service Other Agencies			84,370	82,303
STRIKE OUT					
047	Own Forces Maint -Build -Grnds			100,000	0
INSERT IN PLACE THEREOF					
047	Own Forces Maint -Build -Grnds			100,000	100,000
STRIKE OUT					
050	Personal Service- Temp/Appointe			831,749	0
INSERT IN PLACE THEREOF					
050	Personal Service- Temp/Appointe			831,749	836,628

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT	(CONT.)		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF	(CONT.)		
ACTIVITY:	351510	PARKS AND RECREATION	(CONT.)		
ORGANIZATION:	3703	CANNON MOUNTAIN	(CONT.)		
STRIKE OUT					
059 Temp Full Time				245,000	0
INSERT IN PLACE THEREOF					
059 Temp Full Time				245,000	246,000
STRIKE OUT					
060 Benefits				698,807	0
INSERT IN PLACE THEREOF					
060 Benefits				698,807	745,415
STRIKE OUT					
061 Unemployment Compensation				38,000	0
INSERT IN PLACE THEREOF					
061 Unemployment Compensation				38,000	39,000
STRIKE OUT					
062 Workers Compensation				85,000	0
INSERT IN PLACE THEREOF					
062 Workers Compensation				85,000	85,000
STRIKE OUT					
069 Promotional - Marketing Expenses				300,000	0
INSERT IN PLACE THEREOF					
069 Promotional - Marketing Expenses				300,000	320,000
STRIKE OUT					
070 In-State Travel Reimbursement				1,600	0
INSERT IN PLACE THEREOF					
070 In-State Travel Reimbursement				1,600	1,600
STRIKE OUT					
080 Out-Of State Travel				9,100	0
INSERT IN PLACE THEREOF					
080 Out-Of State Travel				9,100	9,400
STRIKE OUT					
TOTAL EXPENSES				5,613,752	0
INSERT IN PLACE THEREOF					
TOTAL EXPENSES				5,613,752	5,701,598

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT	(CONT.)		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT	(CONT.)		
AGENCY:	035	RESOURCES - ECON DEVEL DEPT OF	(CONT.)		
ACTIVITY:	351610	PARKS AND RECREATION	(CONT.)		
ORGANIZATION:	3703	CANNON MOUNTAIN	(CONT.)		
STRIKE OUT				5,613,752	0
009 Agency Income					
INSERT IN PLACE THEREOF					
009 Agency Income				5,613,752	5,701,598
STRIKE OUT				5,613,752	0
TOTAL FUNDS					
INSERT IN PLACE THEREOF				5,613,752	5,701,598
TOTAL FUNDS					
TOTAL EXPENSES FOR CANNON MOUNTAIN				5,613,752	5,701,598
TOTAL ESTIMATED SOURCE OF FUNDS FOR CANNON MOUNTAIN				5,613,752	5,701,598
OTHER FUNDS				5,613,752	5,701,598
TOTAL FUNDS					
TOTAL EXPENSES FOR PARKS AND RECREATION				19,569,473	19,715,084
TOTAL ESTIMATED SOURCE OF FUNDS FOR PARKS AND RECREATION					
FEDERAL FUNDS				2,082,705	2,083,744
OTHER FUNDS				17,486,768	17,631,340
TOTAL FUNDS				19,569,473	19,715,084
TOTAL EXPENSES FOR RESOURCES - ECON DEVEL DEPT OF				61,097,394	60,678,663
TOTAL ESTIMATED SOURCE OF FUNDS FOR RESOURCES - ECON DEVEL DEPT OF					
FEDERAL FUNDS				20,015,749	19,718,187
GENERAL FUND				13,191,642	13,266,512
HIGHWAY FUNDS				1,250,882	1,348,995
TURNPIKE FUNDS				1,269,327	1,241,759
OTHER FUNDS				25,369,794	25,103,210
TOTAL FUNDS				61,097,394	60,678,663

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	03	RESOURCE PROTECTION & DEVELOPMENT		
DEPARTMENT:	35	RESOURCES & ECONOMIC DEVELOPMENT (CONT.)		
TOTAL EXPENSES FOR RESOURCES & ECONOMIC DEVELOPMENT			61,097,394	60,678,663
TOTAL ESTIMATED SOURCE OF FUNDS FOR RESOURCES & ECONOMIC DEVELOPMENT				
FEDERAL FUNDS			20,015,749	19,718,187
GENERAL FUND			13,191,642	13,266,512
HIGHWAY FUNDS			1,250,882	1,348,995
TURNPIKE FUNDS			1,269,327	1,241,759
OTHER FUNDS			25,369,794	25,103,210
TOTAL FUNDS			61,097,394	60,678,663
TOTAL EXPENSES FOR RESOURCE PROTECTION & DEVELOPMENT			306,866,699	294,306,740
TOTAL ESTIMATED SOURCE OF FUNDS FOR RESOURCE PROTECTION & DEVELOPMENT				
FEDERAL FUNDS			108,004,292	103,240,981
GENERAL FUND			30,065,748	27,838,470
HIGHWAY FUNDS			1,250,882	1,348,995
TURNPIKE FUNDS			1,269,327	1,241,759
FISH AND GAME FUNDS			13,795,778	14,120,311
OTHER FUNDS			152,480,672	146,516,224
TOTAL FUNDS			306,866,699	294,306,740
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
ACTIVITY:	950010	OFFICE OF THE COMMISSIONER		
ORGANIZATION:	5678	OFFICE OF BUSINESS OPERATIONS		
STRIKE OUT				
501 Payments To Clients			775,000	775,000
INSERT IN PLACE THEREOF				
501 Payments To Clients			775,000	775,000
STRIKE OUT				
501 The Commissioner of Health and Human Services is hereby authorized to transfer funds within and among all appropriations for class 027 throughout the department. The Commissioner shall submit a report detailing any such transfers to the Commissioner of Administrative Services.				

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05		
DEPARTMENT:	95		
AGENCY:	095		
ACTIVITY:	956010		
ORGANIZATION:	6143		
HEALTH AND SOCIAL SERVICES			
DEPT OF HEALTH AND HUMAN SVCS			
HHS-COMMISSIONER			
OFF-MEDICAID & BUSINESS POLICY			
PHARMACY SERVICES			
STRIKE OUT			
007 Agency Income		4,690,000	5,506,000
INSERT IN PLACE THEREOF			
007 Agency Income		18,851,601	20,114,823
STRIKE OUT		67,607,451	71,089,154
General Fund			
INSERT IN PLACE THEREOF			
General Fund		53,445,850	56,480,331
STRIKE OUT			
TOTAL FUNDS		122,096,218	128,966,819
INSERT IN PLACE THEREOF			
TOTAL FUNDS		122,096,218	128,966,819
TOTAL EXPENSES FOR PHARMACY SERVICES		122,096,218	128,966,819
TOTAL ESTIMATED SOURCE OF FUNDS FOR PHARMACY SERVICES			
FEDERAL FUNDS		49,798,767	52,371,665
GENERAL FUND		53,445,850	56,480,331
OTHER FUNDS		18,851,601	20,114,823
TOTAL FUNDS		122,096,218	128,966,819
TOTAL EXPENSES FOR OFF-MEDICAID & BUSINESS POLICY		469,864,827	479,674,790
TOTAL ESTIMATED SOURCE OF FUNDS FOR OFF-MEDICAID & BUSINESS POLICY			
FEDERAL FUNDS		227,340,107	232,509,580
GENERAL FUND		147,776,177	145,198,579
OTHER FUNDS		94,748,543	101,966,631
TOTAL FUNDS		469,864,827	479,674,790

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
		(CONT.)		
		(CONT.)		
		(CONT.)		
CATEGORY:	05	HEALTH AND SOCIAL SERVICES		
DEPARTMENT:	95	DEPT OF HEALTH AND HUMAN SVCS		
AGENCY:	095	HHS:COMMISSIONER		
ACTIVITY:	954010	OFFICE OF INFORMATION SERVICES		
ORGANIZATION:	5952	Office of Information Services		
STRIKE OUT				
027	Transfers To DOIT		25,196,286	24,744,776
INSERT IN PLACE THEREOF				
027	Transfers To DOIT		25,196,286	24,744,776
INSERT				
027	The Commissioner of Health and Human Services is hereby authorized to transfer funds within and among all appropriations for class 027 throughout the department. The Commissioner shall submit a report detailing any such transfers to the Commissioner of Administrative Services.			
TOTAL EXPENSES FOR HHS:COMMISSIONER			657,760,329	663,781,390
TOTAL ESTIMATED SOURCE OF FUNDS FOR HHS:COMMISSIONER				
FEDERAL FUNDS			325,143,554	326,549,892
GENERAL FUND			204,246,507	198,942,193
HIGHWAY FUNDS			215,830	220,146
OTHER FUNDS			128,154,438	138,069,159
TOTAL FUNDS			657,760,329	663,781,390
TOTAL EXPENSES FOR DEPT OF HEALTH AND HUMAN SVCS			1,888,463,143	1,903,176,920
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF HEALTH AND HUMAN SVCS				
FEDERAL FUNDS			922,776,803	929,579,818
GENERAL FUND			650,823,162	646,971,380
HIGHWAY FUNDS			215,830	220,146
OTHER FUNDS			314,647,348	326,405,576
TOTAL FUNDS			1,888,463,143	1,903,176,920

State of New Hampshire

AMENDMENTS TO HB 0001				FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	05	HEALTH AND SOCIAL SERVICES	(CONT.)		
TOTAL EXPENSES FOR HEALTH AND SOCIAL SERVICES					
TOTAL ESTIMATED SOURCE OF FUNDS FOR HEALTH AND SOCIAL SERVICES					
FEDERAL FUNDS				1,923,582,741	1,938,529,891
GENERAL FUND				931,945,888	938,852,543
HIGHWAY FUNDS				666,579,343	662,763,461
OTHER FUNDS				215,830	220,146
TOTAL FUNDS				324,841,680	336,693,741
				1,923,582,741	1,938,529,891
CATEGORY:	06	EDUCATION			
DEPARTMENT:	58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE			
AGENCY:	058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
ACTIVITY:	580010	NH COMM TECH COLLEGE SYSTEM			
ORGANIZATION:	5931	COLLEGE SYSTEM OFFICE			
STRIKE OUT					
635	CCSNH of New Hampshire Funding			2,203,712	2,339,333
INSERT IN PLACE THEREOF					
635	CCSNH of New Hampshire Funding			2,385,530	2,224,305
STRIKE OUT					
TOTAL EXPENSES					
INSERT IN PLACE THEREOF					
TOTAL EXPENSES					
STRIKE OUT					
009	Agency Income			651,032	249,055
INSERT IN PLACE THEREOF					
009	Agency Income			1,586,075	2,123,673
STRIKE OUT					
General Fund					
INSERT IN PLACE THEREOF					
General Fund					
STRIKE OUT					
TOTAL FUNDS					
INSERT IN PLACE THEREOF					
TOTAL FUNDS					
				2,203,712	2,339,333
				2,385,530	2,224,305

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI (CONT.)		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE (CONT.)		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM (CONT.)		
ORGANIZATION: 5931	COLLEGE SYSTEM OFFICE (CONT.)		
TOTAL EXPENSES FOR COLLEGE SYSTEM OFFICE		2,385,530	2,224,305
TOTAL ESTIMATED SOURCE OF FUNDS FOR COLLEGE SYSTEM OFFICE			
GENERAL FUND		1,734,498	1,975,250
OTHER FUNDS		651,032	249,055
TOTAL FUNDS		2,385,530	2,224,305
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM		
ORGANIZATION: 5932	WHITE MOUNTAINS CC		
STRIKE OUT		2,787,250	3,363,179
635 CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF		3,048,643	3,197,808
635 CCSNH of New Hampshire Funding			
STRIKE OUT		2,787,250	3,363,179
TOTAL EXPENSES			
INSERT IN PLACE THEREOF		3,048,643	3,197,808
TOTAL EXPENSES		781,186	317,521
STRIKE OUT			
009 Agency Income		829,197	365,532
INSERT IN PLACE THEREOF		2,006,064	3,045,658
009 Agency Income			
STRIKE OUT			
General Fund		2,219,446	2,832,276
INSERT IN PLACE THEREOF			
General Fund		2,787,250	3,363,179
STRIKE OUT			
TOTAL FUNDS			
INSERT IN PLACE THEREOF		3,048,643	3,197,808
TOTAL FUNDS			

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI (CONT.)		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE (CONT.)		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM (CONT.)		
ORGANIZATION: 5932	WHITE MOUNTAINS CC (CONT.)		
TOTAL EXPENSES FOR WHITE MOUNTAINS CC		3,048,643	3,197,808
TOTAL ESTIMATED SOURCE OF FUNDS FOR WHITE MOUNTAINS CC			
GENERAL FUNDS		2,219,446	2,832,276
OTHER FUNDS		829,197	365,532
TOTAL FUNDS		3,048,643	3,197,808
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM		
ORGANIZATION: 5933	RIVER VALLEY CC		
STRIKE OUT		2,958,879	3,351,627
635 CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF		3,219,373	3,186,825
635 CCSNH of New Hampshire Funding			
STRIKE OUT		2,958,879	3,351,627
INSERT IN PLACE THEREOF		3,219,373	3,186,825
TOTAL EXPENSES		829,289	312,876
TOTAL EXPENSES			
STRIKE OUT			
009 Agency Income		877,135	960,722
INSERT IN PLACE THEREOF		2,129,590	3,038,751
009 Agency Income			
STRIKE OUT			
General Fund			
INSERT IN PLACE THEREOF		2,342,238	2,826,103
General Fund			
STRIKE OUT		2,958,879	3,351,627
TOTAL FUNDS			
INSERT IN PLACE THEREOF		3,219,373	3,186,825
TOTAL FUNDS			

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI (CONT.)		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE (CONT.)		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM (CONT.)		
ORGANIZATION: 5933	RIVER VALLEY CC (CONT.)		
TOTAL EXPENSES FOR RIVER VALLEY CC		3,219,373	3,186,825
TOTAL ESTIMATED SOURCE OF FUNDS FOR RIVER VALLEY CC			
GENERAL FUND		2,342,238	2,826,103
OTHER FUNDS		877,135	360,722
TOTAL FUNDS		3,219,373	3,186,825
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM		
ORGANIZATION: 5934	NHTI - CONCORD		
STRIKE OUT		6,734,711	7,896,679
635 CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		7,348,454	7,508,392
STRIKE OUT			
TOTAL EXPENSES		6,734,711	7,896,679
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		7,348,454	7,508,392
STRIKE OUT		1,887,546	741,800
009 Agency Income			
INSERT IN PLACE THEREOF		2,000,274	854,528
009 Agency Income			
STRIKE OUT		4,847,165	7,154,879
General Fund			
INSERT IN PLACE THEREOF			
General Fund		5,348,180	6,653,864
STRIKE OUT			
TOTAL FUNDS		6,734,711	7,896,679
INSERT IN PLACE THEREOF			
TOTAL FUNDS		7,348,454	7,508,392

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5934		
TOTAL EXPENSES FOR NHTI - CONCORD		7,348,454	7,508,392
TOTAL ESTIMATED SOURCE OF FUNDS FOR NHTI - CONCORD			
GENERAL FUND		5,348,180	6,653,864
OTHER FUNDS		2,000,274	854,528
TOTAL FUNDS		7,348,454	7,508,392
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5935		
STRIKE OUT		2,691,138	3,163,391
635 CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF		2,937,002	3,007,845
635 CCSNH of New Hampshire Funding			
STRIKE OUT		2,691,138	3,163,391
INSERT IN PLACE THEREOF		2,937,002	3,007,845
TOTAL EXPENSES		754,249	297,296
TOTAL EXPENSES			
STRIKE OUT		799,408	342,455
009 Agency Income			
INSERT IN PLACE THEREOF		1,936,889	2,866,095
009 Agency Income			
STRIKE OUT			
General Fund			
INSERT IN PLACE THEREOF		2,137,594	2,665,390
General Fund			
STRIKE OUT		2,691,138	3,163,391
TOTAL FUNDS			
INSERT IN PLACE THEREOF		2,937,002	3,007,845
TOTAL FUNDS			

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION		
DEPARTMENT:	58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI (CONT.)		
AGENCY:	068	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE (CONT.)		
ACTIVITY:	580010	NH COMM TECH COLLEGE SYSTEM (CONT.)		
ORGANIZATION:	5935	LAKE REGION CC (CONT.)		
TOTAL EXPENSES FOR LAKE REGION CC			2,937,002	3,007,845
TOTAL ESTIMATED SOURCE OF FUNDS FOR LAKE REGION CC				
GENERAL FUND			2,137,594	2,665,390
OTHER FUNDS			799,408	342,455
TOTAL FUNDS			2,937,002	3,007,845
CATEGORY:	06	EDUCATION		
DEPARTMENT:	58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI		
AGENCY:	068	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		
ACTIVITY:	580010	NH COMM TECH COLLEGE SYSTEM		
ORGANIZATION:	5936	MANCHESTER CC		
STRIKE OUT			3,720,910	4,313,292
635 CCSNH of New Hampshire Funding				
INSERT IN PLACE THEREOF			4,056,146	4,101,204
635 CCSNH of New Hampshire Funding				
STRIKE OUT			3,720,910	4,313,292
TOTAL EXPENSES				
INSERT IN PLACE THEREOF			4,056,146	4,101,204
TOTAL EXPENSES			1,042,864	404,353
STRIKE OUT				
009 Agency Income			1,104,438	465,927
INSERT IN PLACE THEREOF				
009 Agency Income			2,678,046	3,908,939
STRIKE OUT				
General Fund				
INSERT IN PLACE THEREOF			2,951,708	3,635,277
General Fund				
TOTAL FUNDS			3,720,910	4,313,292
INSERT IN PLACE THEREOF				
TOTAL FUNDS			4,056,146	4,101,204

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI (CONT.)		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE (CONT.)		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM (CONT.)		
ORGANIZATION: 5936	MANCHESTER CC (CONT.)		
TOTAL EXPENSES FOR MANCHESTER CC		4,056,146	4,101,204
TOTAL ESTIMATED SOURCE OF FUNDS FOR MANCHESTER CC			
GENERAL FUND		2,951,708	3,635,277
OTHER FUNDS		1,104,438	465,927
TOTAL FUNDS		4,056,146	4,101,204
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI		
AGENCY: 058	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM		
ORGANIZATION: 5937	NASHUA CC		
STRIKE OUT		3,103,047	3,643,543
635 CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		3,386,229	3,464,387
STRIKE OUT		3,103,047	3,643,543
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		3,386,229	3,464,387
TOTAL EXPENSES		869,695	342,354
STRIKE OUT			
009 Agency Income		921,708	394,367
INSERT IN PLACE THEREOF			
009 Agency Income		2,233,352	3,301,189
STRIKE OUT			
General Fund			
INSERT IN PLACE THEREOF		2,464,521	3,070,020
General Fund			
STRIKE OUT		3,103,047	3,643,543
TOTAL FUNDS			
INSERT IN PLACE THEREOF		3,386,229	3,464,387
TOTAL FUNDS			

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI (CONT.)		
AGENCY: 068	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE (CONT.)		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM (CONT.)		
ORGANIZATION: 5937	NASHUA CC (CONT.)		
TOTAL EXPENSES FOR NASHUA CC		3,386,229	3,464,387
TOTAL ESTIMATED SOURCE OF FUNDS FOR NASHUA CC			
GENERAL FUNDS		2,464,521	3,070,020
OTHER FUNDS		921,708	394,367
TOTAL FUNDS		3,386,229	3,464,387
CATEGORY: 06	EDUCATION		
DEPARTMENT: 58	COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHI		
AGENCY: 068	COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		
ACTIVITY: 580010	NH COMM TECH COLLEGE SYSTEM		
ORGANIZATION: 5938	GREAT BAY CC		
STRIKE OUT		3,000,070	3,451,672
635 CCSNH of New Hampshire Funding			
INSERT IN PLACE THEREOF			
635 CCSNH of New Hampshire Funding		3,268,340	3,281,950
STRIKE OUT			
TOTAL EXPENSES		3,000,070	3,451,672
INSERT IN PLACE THEREOF			
TOTAL EXPENSES		3,268,340	3,281,950
STRIKE OUT		840,833	323,139
009 Agency Income			
INSERT IN PLACE THEREOF		890,107	372,413
009 Agency Income			
STRIKE OUT		2,159,237	3,128,533
General Fund			
INSERT IN PLACE THEREOF			
General Fund		2,378,233	2,909,537
STRIKE OUT			
TOTAL FUNDS		3,000,070	3,451,672
INSERT IN PLACE THEREOF			
TOTAL FUNDS		3,268,340	3,281,950

State of New Hampshire

AMENDMENTS TO HB 0001		FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06		
DEPARTMENT:	58		
AGENCY:	058		
ACTIVITY:	580010		
ORGANIZATION:	5938		
TOTAL EXPENSES FOR GREAT BAY CC		3,268,340	3,281,950
TOTAL ESTIMATED SOURCE OF FUNDS FOR GREAT BAY CC			
GENERAL FUND		2,378,233	2,909,537
OTHER FUNDS		890,107	372,413
TOTAL FUNDS		3,268,340	3,281,950
TOTAL EXPENSES FOR NH COMM TECH COLLEGE SYSTEM		29,649,717	29,972,716
TOTAL ESTIMATED SOURCE OF FUNDS FOR NH COMM TECH COLLEGE SYSTEM			
GENERAL FUND		21,576,418	26,567,717
OTHER FUNDS		8,073,299	3,404,999
TOTAL FUNDS		29,649,717	29,972,716
TOTAL EXPENSES FOR COMM COLLEGE SYSTEM OF NEW HAMPSHIRE		31,649,717	31,972,716
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMM COLLEGE SYSTEM OF NEW HAMPSHIRE			
GENERAL FUND		23,576,418	28,567,717
OTHER FUNDS		8,073,299	3,404,999
TOTAL FUNDS		31,649,717	31,972,716
TOTAL EXPENSES FOR COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE		31,649,717	31,972,716
TOTAL ESTIMATED SOURCE OF FUNDS FOR COMMUNITY COLLEGE SYSTEM OF NEW HAMPS			
GENERAL FUND		23,576,418	28,567,717
OTHER FUNDS		8,073,299	3,404,999
TOTAL FUNDS		31,649,717	31,972,716

State of New Hampshire

AMENDMENTS TO				FISCAL YEAR 2012	FISCAL YEAR 2013
HB 0001					
CATEGORY:	06	EDUCATION			
DEPARTMENT:	50	UNIVERSITY SYSTEM			
AGENCY:	050	UNIVERSITY OF NEW HAMPSHIRE			
ACTIVITY:	506010	UNIVERSITY SYSTEM OF NH			
ORGANIZATION:	1855	UNIVERSITY SYSTEM OF NH			
STRIKE OUT					
084		University System of NH Fundin		50,600,000	53,600,000
INSERT IN PLACE THEREOF					
084		University System of NH Fundin		51,650,000	54,650,000
STRIKE OUT					
009		TOTAL EXPENSES		50,600,000	53,600,000
INSERT IN PLACE THEREOF					
009		TOTAL EXPENSES		51,650,000	54,650,000
STRIKE OUT					
009		Agency Income		14,787,700	6,895,000
INSERT IN PLACE THEREOF					
009		Agency Income		15,837,700	7,945,000
STRIKE OUT					
009		TOTAL FUNDS		50,600,000	53,600,000
INSERT IN PLACE THEREOF					
009		TOTAL FUNDS		51,650,000	54,650,000
TOTAL EXPENSES FOR UNIVERSITY SYSTEM OF NH				51,650,000	54,650,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM OF NH					
GENERAL FUND				35,812,300	46,705,000
OTHER FUNDS				15,837,700	7,945,000
TOTAL FUNDS				51,650,000	54,650,000
TOTAL EXPENSES FOR UNIVERSITY SYSTEM OF NH				51,650,000	54,650,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM OF NH					
GENERAL FUND				35,812,300	46,705,000
OTHER FUNDS				15,837,700	7,945,000
TOTAL FUNDS				51,650,000	54,650,000

State of New Hampshire

AMENDMENTS TO HB 0001			FISCAL YEAR 2012	FISCAL YEAR 2013
CATEGORY:	06	EDUCATION		
DEPARTMENT:	50	UNIVERSITY SYSTEM		
AGENCY:	050	UNIVERSITY OF NEW HAMPSHIRE		
TOTAL EXPENSES FOR UNIVERSITY OF NEW HAMPSHIRE			51,650,000	54,650,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY OF NEW HAMPSHIRE				
GENERAL FUND			35,812,300	46,705,000
OTHER FUNDS			15,837,700	7,945,000
TOTAL FUNDS			51,650,000	54,650,000
TOTAL EXPENSES FOR UNIVERSITY SYSTEM			51,650,000	54,650,000
TOTAL ESTIMATED SOURCE OF FUNDS FOR UNIVERSITY SYSTEM				
GENERAL FUND			35,812,300	46,705,000
OTHER FUNDS			15,837,700	7,945,000
TOTAL FUNDS			51,650,000	54,650,000
TOTAL EXPENSES FOR EDUCATION			1,375,703,930	1,376,652,220
TOTAL ESTIMATED SOURCE OF FUNDS FOR EDUCATION				
FEDERAL FUNDS			218,763,232	220,939,103
GENERAL FUND			155,931,573	168,289,311
SWEEPSTAKES FUNDS			7,777,517	7,895,977
OTHER FUNDS			993,231,608	979,527,829
TOTAL FUNDS			1,375,703,930	1,376,652,220

State of New Hampshire

AMENDMENTS TO HB 0001	FISCAL YEAR 2012	FISCAL YEAR 2013
STATEWIDE		
TOTAL EXPENSES	5,244,850,965	5,242,807,523
TOTAL ESTIMATED SOURCE OF FUNDS		
FEDERAL FUNDS		1,577,845,782
GENERAL FUND	1,590,743,146	1,347,917,929
LIQUOR FUND	1,339,623,076	48,110,163
HIGHWAY FUNDS	46,553,961	303,111,263
TURNPIKE FUNDS	306,763,056	127,606,189
SWEEPSTAKES FUNDS	116,181,674	9,468,448
FISH AND GAME FUNDS	9,330,793	14,120,311
OTHER FUNDS	13,795,778	1,814,627,438
TOTAL FUNDS	1,821,859,481	5,242,807,523
	5,244,850,965	

June 16, 2011
2011-2512-CofC
01/09

Amend the bill by replacing all after section 1.07 with the following:

1.08 Budget Footnotes; General. For any state department, as defined in RSA 9:1 the following general budget footnotes that contain class codes shall apply to all specified class codes in section 1.01 through 1.07 unless specifically exempted.

A. The appropriation budgeted in class 023-utilities, class 027-transfers to DoIT, class 028-transfers to general services, class 041-audit funds set aside, class 042-additional fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers compensation, class 064-retiree pension benefit-health insurance, shall not be transferred or expended for any other purpose. For the fiscal year ending June 30, 2012, the following account numbers within the department of resources and economic development: 03-35-35-3515-3701, 03-35-35-3515-3745, 03-35-35-3515-3720, 03-35-35-3515-7300, 03-35-35-3515-3414, 03-35-35-3515-3556, 03-35-35-3515-3558, 03-35-35-3515-3484, 03-35-35-3515-3486, 03-35-35-3515-3488, 03-35-35-3515-3562, 03-35-35-3515-3415, 03-35-35-3515-3746, 03-35-35-3515-3777, 03-35-35-3515-8146, 03-35-35-3515-6161, 03-35-35-3515-3717 shall be exempt from these provisions. For the biennium ending June 30, 2013, the following account number 03-35-35-3515-3703 within the department of resources and economic development shall be exempt from these provisions.

B. The appropriation budgeted in class 047-own forces maintenance-buildings and grounds, class 048-contractual maintenance-buildings and grounds, shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2013. For the fiscal year ending June 30, 2012, the following account numbers within the department of resources and economic development: 03-35-35-3515-3701, 03-35-35-3515-3745, 03-35-35-3515-3720, 03-35-35-3515-7300, 03-35-35-3515-3414, 03-35-35-3515-3556, 03-35-35-3515-3558, 03-35-35-3515-3484, 03-35-35-3515-3486, 03-35-35-3515-3488, 03-35-35-3515-3562, 03-35-35-3515-3415, 03-35-35-3515-3746, 03-35-35-3515-3777, 03-35-35-3515-8146, 03-35-35-3515-6161, 03-35-35-3515-3717 shall be exempt from the shall not be transferred or expended for any other purpose portion of this provision. For the biennium ending June 30, 2013, the following account number 03-35-35-3515-3703 within the department of resources and economic development shall be exempt from the shall not be transferred or expended for any other purpose portion of this provision.

C. Revenue in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The appropriation budgeted in class 040-indirect costs are for general overhead state charges and such sums shall be transferred by the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 2013.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2013.

H. The funds in this appropriation are for the lease of state-owned

equipment from the department of transportation operations division, mechanical services bureau, and shall not be transferred or expended for any other purpose. Transfers may be made between funds appropriated in class 25 in other accounting units with prior approval of the capital budget overview committee and thereafter the fiscal committee and governor and council.

I. In the event that estimated revenue in revenue class 001-transfers for other agencies, 002-transfers from department of transportation, 003-revolving funds, 004-agency income, 005-private local funds, 006-agency income, 007-agency income, 008-agency income, 009-agency income is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting services forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits. For the fiscal year ending June 30, 2012, account number 02-46-46-4620-5731 within the department of corrections shall be exempt from these provisions. The provisions of this footnote do not apply to federal funds covered by RSA 124:14.

J. This appropriation, to be administered by the commissioner, is for the necessary equipment needs of the department and shall be expended at the commissioner's discretion.

2 General Fund and Total Appropriation Limits. The amounts included in section 1 for all university system accounts and community college system accounts, under estimated source of funds from general funds shall be the total appropriation from general funds for such accounting units that may be expended for the purpose of section 1 of this act. Any funds received by said systems from other than general funds are hereby appropriated for the use of the systems and may be expended by said systems whether or not this will result in an appropriation and expenditure by the system in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2013, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services shall, with the prior approval of the fiscal committee of the general court, and with the approval of the governor and council, require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allocated or committed by any agency affected by this section for outside rental shall be transferred by the director of the division of accounting services to the bureau of general services, account 01-14-14-141510-2040 for maintenance of state buildings.

4 Lottery Commission; Authority Granted. For the biennium ending June 30, 2013, in order to provide sufficient funding to the lottery commission to carry out lottery programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new lottery programs, the expansion of any existing lottery programs, or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by

the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$6,000,000 for the biennium ending June 30, 2013.

5 Positions Abolished.

I. The following positions are hereby abolished effective at the close of business on June 30, 2011:

Executive Office

01-02-02-020510-1004	10008	18000
01-02-02-020510-1006	16664	
01-02-02-024010-6400	10025	
01-02-02-024010-6570	18426	

Department of Information Technology

01-03-03-030010-7708	10196	10201	10232	10237	10239
	10257	11211	12303	12422	12432
	12451	12463	12474	12482	12869
	14283	14387	14400	14624	16665
	16689	16690	16692	18294	18957
	19616	19819	20039	20287	30037
	30552	41009	41109	41111	41112
	41116	41119	41123	41127	41218
	42503	43152	12498	17182	41257
	43156	40489	19863	40054	20056
	41673	41117	40318	41639	43154
	17151	40333	10178	9U447	18960
	14988	30323			

Department of Administrative Services

01-14-14-140010-1042	10103				
01-14-14-140010-1350	41568	41567	16687		
01-14-14-140010-1360	18014				
01-14-14-140510-1310	10133	43171	40839	10069	10095
	30010				
01-14-14-140510-1330	43170				
01-14-14-141010-1044	10266	43169	41221	30022	30019
	10277				
01-14-14-141510-2006	18019				
01-14-14-141510-2040	16683				
01-14-14-141510-2042	16361	16380	16424	16443	41543
	41544	41545	41546	41547	43382
	42842				
01-14-14-141510-2045	40844	40011			
01-14-14-141510-2083	18672	41874	18021		
01-14-14-141510-2091	20412	21159	21625	21459	43184
01-14-14-141510-2098	41165				
01-14-14-141510-3403	10164	10171	30018		
01-14-14-141510-5320	43384				
01-14-14-141510-8050	10090				
01-14-14-142010-1370	10186	43178			

Real Estate Commission

01-28-28-280010-2054	11343
----------------------	-------

Joint Board Of Licensure And Certification

01-31-31-310010-2250	41307
----------------------	-------

Secretary of State

01-32-32-320010-7889	11353	40041			
01-32-32-322510-1610	11352				
01-32-32-324010-5176	19617	14802			
Department of Cultural Resources					
01-34-34-340010-3431	19882				
01-34-34-340510-6718	16754	11427	11403	11431	
01-34-34-340510-7000	11401	11407	18105	11414	11438
01-34-34-340510-7008	11433				
01-34-34-341010-1250	13767	13770			
Department of Treasury					
01-38-38-380010-1050	11585	11583			
Board of Accountancy					
01-51-51-510010-2115	42763	42762			
Department of Revenue Administration					
01-84-84-840010-7884	14462	18952	41210	41784	43621
	9U264				
01-84-84-840510-1301	14445	14450	14520	18232	19227
	19232	19270	41267	41276	43320
	43321	43561	43562	43563	
01-84-84-840510-1401	14447	14487	14509	14516	14521
	14527				
01-84-84-840510-1501	14432	14446	14452	14471	14472
	14475	14477	14502	18236	18964
	19963	19965	30526	30532	40617
	43620	9U340			
01-84-84-841010-5413	14438	18953	19970	19986	19987
	19989	30528	41243	41808	
01-84-84-841010-7885	14442	14506	18481	19984	
Board of Tax & Land Appeals					
01-89-89-890010-1241	14584	41677			
Developmental Disabilities Council					
01-97-97-970010-7135	30585				
Adjutant General Department					
02-12-12-120010-2233	41561	42520			
Department of Agriculture					
02-18-18-180510-2133	43609	43606	43607	43608	
02-18-18-182010-2700	10308				
02-18-18-183010-2137	41166	10309			
02-18-18-183510-2135	10299				
02-18-18-185010-2810	10300				
Department of Justice					
02-20-20-200010-2601	10343	16702	41891	43340	
02-20-20-200510-2610	40850	9U501			
02-20-20-200510-2611	10342	9U358			
02-20-20-200510-2613	10338				
02-20-20-200510-2615	18495	18493	9U356		
02-20-20-201010-2620	9U286	9U039	9U285	16703	
Department of Safety					
02-23-23-231015-2304	10453	40019	40021	40023	41897
02-23-23-232015-2316	18698				
02-23-23-232015-2320	10419				

02-23-23-232015-3110	18050				
02-23-23-233015-2302	41955	41956			
02-23-23-233015-2311	41582	10567	30075	41579	10373
	10557	30062	10660	10592	
02-23-23-233015-2312	10413	10470	18679	10377	
02-23-23-233015-2314	10450	10469	10594	10467	41925
	18680	18683	10492		
02-23-23-233015-2315	10487	10657	10399	10479	10610
	30073	41931	10476		
02-23-23-233015-3100	10447	10493	10494		
02-23-23-234015-2305	41792				
02-23-23-234015-4003		10757			
02-23-23-234010-8239	14545	19566			
02-23-23-234015-4022	18063				
02-23-23-234010-4215	15799				
02-23-23-234015-8241	43345				
02-23-23-235010-5001	10367	10676	42569	41982	
02-23-23-234015-4003	42560				
02-23-23-236010-2740	18244	18247	42573		
02-23-23-236510-1395	40586	41160	41846	41856	41857
	41867	42541			
02-23-23-237010-4065	41984				
02-23-23-238010-5006	43350				
02-23-23-238010-5007	43212	43422			
02-23-23-238010-5895	30448	30449			
Insurance Department					
02-24-24-240010-2520	10956	41775			
Highway Safety Agency					
02-25-25-250015-3000	41589				
NH Employment Security					
02-27-27-270010-8040	11055	11056	11226	11227	11324
	19701	41606	43221		
Department of Corrections					
02-46-46-460010-7101	18575	41527			
02-46-46-460010-8301	13037				
02-46-46-460510-8334	43515	43516			
02-46-46-461010-8300	12839	16878			
02-46-46-463010-7113	12800	16885	9U367		
02-46-46-463010-7120	12830	12836	12891	12929	12947
	12998	12999	13026	16315	16328
	16346	16821	16865	16869	18471
	18843	18844	18845	18846	19246
	19248	19539	40181	40187	40191
	40195	40209	40210	40230	12909
	12962	16828	16860	18834	19237
	40741				
02-46-46-463010-7140	16926				
02-46-46-464010-8302	18775	19556	42272	18868	19917
	19918	19920	19923	30354	
02-46-46-464510-5172	18793	19258	19265	19540	
02-46-46-464510-7106	16880	18838			
02-46-46-464510-7107	12925				
02-46-46-465010-5833	12992	16278	16329	16335	16344

	16263	16285	16312	16332	30798
02-46-46-465010-8231	16325	16923			
02-46-46-465010-8234	12878	30346	9U335	9U322	
02-46-46-465010-8235	18832	18833	19928	30342	30898
	41377	12911	41461	41468	
02-46-46-466010-7111	12898	16896	18796	40166	40235
02-46-46-468010-8250	41318	41369	41446	41487	41516
	41319	41320	41339	41349	41422
	41445	41472	41480	41510	41515
02-46-46-469010-8232	12858	18853	42251		
Public Employees Labor Board					
02-73-73-730010-2006	19857				
Human Rights Commission					
02-76-76-760010-7882	42416	13938	18220		
NH Liquor Commission					
02-77-77-770012-1010	14325				
02-77-77-770512-7878	14247	14319	17083	41540	43301
02-77-77-771012-1023	14309	43619	14273	43600	
02-77-77-771512-1024	43597	43598	43614	43615	43617
	43618				
02-77-77-771512-1030	13986	13998	14012	14068	14070
	14117	14148	14157	14180	14199
	14218	14230	14249	14268	14295
	14328				
02-77-77-771512-1040	14293				
Public Utilities Commission					
02-81-81-810010-2812	18226	14381			
Racing & Charitable Gaming Commission					
02-86-86-860010-2210	43566	14546			
02-86-86-861213-2212	14425	14393	17114		
Department of Resources and Economic Development					
03-35-35-350010-3400	11457	11458	30187	11450	
03-35-35-350010-3401	11441	11523	42065		
03-35-35-350510-3600	16757				
03-35-35-350510-3610	40051				
03-35-35-350510-3612	40777	40778	40779	41309	
03-35-35-350510-5336	43645	43646	43648	43650	
03-35-35-351010-3505	43225	43226			
03-35-35-351010-3510	11477				
03-35-35-351010-3511	11471				
03-35-35-351010-3513	11482				
03-35-35-351010-3520	11575	11578	11570	11571	
03-35-35-351010-5300	19713				
03-35-35-351510-3414	42057				
Department of Environmental Services					
03-44-44-440010-1002	13046	13508	42126	19495	43235
	19530	12042	12077	19492	
03-44-44-440010-1011	13057	30258	19497	42130	
03-44-44-440010-1013	12021				
03-44-44-440010-3851	42722	18154	40156	19518	11388
03-44-44-440010-3853	14774	19524			
03-44-44-440010-3854	18461	18996	18997	19700	42726

03-44-44-442010-1000	12034	18555	12072	40497	41638
03-44-44-442010-1518	40143	42149			
03-44-44-442010-3800	19732	19517	30249	11394	
03-44-44-442010-3815	40158	19735			
03-44-44-444010-5401	16779				
03-44-44-444010-5402	18143	42206	42211	42178	19531
	19134	19528	19529		
03-44-44-444010-5492	14731	19139			
03-44-44-443010-5496	19631	19632			
03-44-44-443010-9100	17147	18162			

Fish And Game Commission

03-75-75-750520-2118	13925
03-75-75-751520-2150	40467
03-75-75-752020-2132	13929
03-75-75-753020-2288	19698
03-75-75-753520-2163	13888

Department of Transportation

04-96-96-960515-5033	19674	21556	21559	21560	21618
04-96-96-960515-3005	17259	20249	21441		
04-96-96-960515-3007	19672	20568	21848		
04-96-96-960515-3008	20393	20400			
04-96-96-960515-3031	21862				
04-96-96-960515-5034	17390	17393	17398	17400	17401
	18561	18570	18662	21076	21077
04-96-96-960315-3017	20153	21597	21515		
04-96-96-962015-3021	17187	20436			
04-96-96-962015-3025	17223	17239	17247	17256	20192
	20227	20447	20587	20927	21028
	21776	21780	21794	21797	20147
	20150	20175	20202	20505	21026
	21055	21791	21793		
04-96-96-962015-3028	20065	20070	21630	21738	
	21319	21631			
04-96-96-962015-3032	19670	20205	21566		
04-96-96-962015-3033	20060				
04-96-96-962015-3034	20083	21236	21453	21863	
04-96-96-964010-2931	21866				

New Hampshire Veterans Home

05-43-43-430010-5358	19466	42633	11971	43116	
05-43-43-430010-5359	41711	42672	42663	42673	42656

Department of Health & Human Services

05-95-40-400010-5800	11735	11934	40886		
05-95-40-400510-5801	11776	11790	11796	11818	11859
	11872	11914	11933	16018	19449
05-95-40-401010-5842	19771	40112	40878	40880	40883
05-95-40-402510-5802	11803	11847	11876	12403	14779
	16037	16586	16963	19614	42107
	42108				
05-95-41-410010-5809	11633	16020	16256	16531	18511
	19448	42613	42625	42626	
05-95-41-411010-5810	11605				
05-95-41-411010-5813	11663				
05-95-41-411010-5814	18749				

05-95-41-412010-5811	11711	18122			
05-95-41-412010-5812	11634	11659	11664	11710	11720
05-95-41-412010-5815	11613	11619	11624	11628	11636
	11639	11641	11644	11646	11647
	11651	11653	40094	11660	11662
	11667	11674	11684	11690	11691
	11695	11698	11701	11716	11719
	11722	11726	11741	30201	30202
	30211	30215	11621		
05-95-41-412010-5817	11649				
05-95-41-412010-5821	16562	16643	16644	16645	16646
	16649	16650	16656	16657	16659
	18595	18597	19445		
05-95-45-450010-6125	12179	12511	12531	12612	30283
	30295				
05-95-45-450010-6127	11198	12581	12653	19760	
05-95-45-450010-6132	12295	12641	12703	12712	12721
	19756	41042			
05-95-48-480010-7873	30316				
05-95-48-480510-8930	16062				
05-95-48-480510-8931	12424	12491	15974	16149	16481
	30918	40394	41010	42755	
05-95-48-480510-9250	12344	12345	12505	12665	16161
	40538	40545	43250	43251	43253
05-95-48-481010-2202	14739	40325			
05-95-48-481010-7872	16217	40398			
05-95-48-481510-7856	14530				
05-95-90-900010-5110	14608				
05-95-90-901510-5497	42919	43327	43328	43374	
05-95-90-902010-5190	14635				
05-95-90-902010-9062	14832	19609			
05-95-90-902010-5260	42927				
05-95-90-902510-5170	14784	40321			
05-95-90-902510-5171	42871				
05-95-90-903010-5230	14693	14773			
05-95-91-910010-5710	12170	14846	14909	14920	15184
	15338	19644	19648	42967	42981
05-95-91-910010-5720	14872	19653	30581		
05-95-91-910010-5740	14620	30562	40351		
05-95-91-910010-7892	14864	40353	42986		
05-95-92-920010-5945	12313	14634	17149	30594	
05-95-92-920010-7877	40409				
05-95-93-930010-5191	14682	14783	42998		
05-95-93-930010-7164	15201	15326	15448	15452	15467
	15470	15487			
05-95-94-940010-7131	15750	40395			
05-95-94-940010-8400	16132	16141	16240	30943	
05-95-94-940010-8410	15794	16154	16394	16401	16459
	16495	16499	16500	15715	15698
	15718	15731	15739	15764	15783
	30869	16362			
05-95-94-940010-8750	15709	15711	15713	15744	15769
	15776	15777	15797	15813	15818
	15854	15878	15880	15883	15886

	15887	15921	15952	15958	15960
	15963	15965	16000	16011	16034
	16039	16043	16055	16056	16057
	16064	16090	16091	16094	16100
	40447	16103	40432	16109	16128
	16142	16143	16148	16162	16164
	16175	16182	16193	40431	16222
	16225	16228	16232	16236	16242
	16247	16530	16547	16548	16638
	18616	18631	18636	18637	30774
	30830	30838	30842	30848	30850
	30856	30857	30859	30860	30861
	30868	30901	30912	30927	30935
	30938	30939	30942	40388	40400
	40406	40412	9U439	16145	18640
	30925	16101			
05-95-95-950010-5010	19817				
05-95-95-950010-5025	30951				
05-95-95-950010-5076	12309	12338	12421	12457	12623
	14529	15917	15935	40972	
05-95-95-951010-5695	43000				
05-95-95-951010-5959	17151				
05-95-95-952010-5143	14769				
05-95-95-952010-5146	14628	18249	42994		
05-95-95-952010-5680	12199				
05-95-95-953010-5677	15689	15696	16593	19654	30899
	40456				
05-95-95-953010-5687	14963	16452	30282		
05-95-95-956010-6126	14831	14991	19143		
05-95-95-957010-5684	41029				
05-95-95-957010-6128	12155	12230	12255	12413	19146
	19781	40514	40518	40532	41098
	43339				
05-95-95-958110-5193	19624	41011	41014		
05-95-95-958310-7177	15271				
05-95-95-958410-1387	16599	42935			
05-95-95-958410-5367	16589	16592	16598	16610	17175
	17176				
05-95-95-958410-5370	19029	19030	19031	19032	19033
	19034	19035	19036	19037	19038
	19041	19042	19043	19044	19045
	19046	19047	19048	19049	42931
HHS: Administratively Attached Boards					
05-74-74-743010-7430	13062				
05-74-74-743510-7435	17373				
05-74-74-744510-7445	41538				
05-74-74-745010-7450	18933				
Department of Education					
06-56-56-560510-6002	13155				
06-56-56-560510-6003	19792	18339			
06-56-56-562010-3260	41208	13132	43255	13134	13314
06-56-56-562010-6401	13297				
06-56-56-562510-6525	18183	18184			
06-56-56-563510-4000	16943	13169	18879	41207	13291

06-56-56-564510-6094	13149	13193		
06-56-56-565010-6030	13206	13213	13205	13215
06-56-56-565010-4082	9U299			
Postsecondary Education Commission				
06-57-57-570010-5407	13326	13327	13329	16954 9U120
Lottery Commission				
06-83-83-830013-1029	16635	18354		

II. The following position is hereby abolished effective at the close of business on July 15, 2011:

Board of Tax & Land Appeals	
01-89-89-890010-1241	9U168

III. The following positions are hereby abolished effective at the close of business on September 22, 2011:

Department of Revenue Administration				
01-84-84-840010-7884	14484	14501	41274	41787
01-84-84-840510-1501	14461	14483	14489	18235 18238
	19967	41781	41782	

IV. The following positions are hereby abolished effective at the close of business on December 31, 2011:

Department of Health and Human Services				
05-95-94-940010-7131	15748	15871	15774	15822 15835
	15845	15857	15865	15869 16171
	15873	15891	15898	15900 15909
	15915	15929	15936	15937 15948
	15966	15967	15971	15972 43337
	15976	15980	15981	15987 15996
	16006	16008	16015	16028 16046
	16048	16050	16076	16095 16117
	16122	16144	16156	16177 16216
	16318	16527	16571	18617 18619
	18624	18628	19002	19003 19004
	19005	19006	19007	19008 19009
	19010	19011	19012	19013 19014
	19015	19016	19017	19018 19019
	19020	19021	19022	19023 19026
	19027	30824	30825	30833 30854
	30855	30863	30866	30894 30921
	30923	30924	30936	43336 40426
	40434	40449	43329	43330 43331
	43332	43333	43334	43335

V. The following positions are hereby abolished effective at the close of business on June 30, 2012:

Department of Corrections				
02-46-46-460510-8333	43513	43514		
Department of Health and Human Services				
05-95-90-902510-5171	42876			
Department of Transportation				
04-96-96-960515-5034	17395	17402	17403	18562 18661
	18663	21685		

6 Department of Health and Human Services; Reduction in Appropria-

tion. In the event that estimated restricted revenues collected by the department of health and human services in the aggregate are less than budgeted, during the biennium ending June 30, 2013, the total appropriations to the department of health and human services shall be reduced by the amount of the shortfall in either actual or projected revenue. The commissioner of the department of health and human services shall notify the bureau of accounting, in writing, no later than April 1st of each year as to precisely which line item appropriation and in what specific amount reductions are to be made in order to fully compensate for the total revenue deficits.

7 Department of Health and Human Services; Division of Child Support Services; Payments to the Administrative Office of the Courts. The appropriation in account 05-95-95-957010-5029, class 49, includes funds for payment to the administrative office of the courts in accordance with the cooperative agreement between the division of child support services and the administrative office of the courts. The division of child support services and the administrative office of the courts shall, prior to payment of such funds, enter into a cooperative agreement specifying in detail the services to be performed by the administrative office of the courts and the estimated costs of such services. Any change or modification in the services to be performed shall likewise be agreed to in writing and specify the change and the adjustment to the costs. Funds appropriated for these purposes shall be paid only after demonstration by the administrative office of the courts that it consistently transmits court orders to the division of child support services in accordance with the cooperative agreement.

8 Department of Transportation; Highway Fund Reporting. For the biennium ending June 30, 2013, the commissioner of the department of transportation shall submit a report detailing the status of the highway fund balance to the house and senate ways and means committees, the fiscal committee of the general court, and the governor and council on a quarterly basis.

9 Legislative Branch; General Fund Appropriation Reductions. The legislative branch shall reduce state general fund appropriations by \$1,000,000 for the fiscal year ending June 30, 2012 and by \$1,000,000 for the fiscal year ending June 30, 2013.

10 Department of Information Technology; Appropriation Reductions.

I. The department of information technology, in consultation with the department of administrative services, shall reduce appropriations of the department by \$1,663,653 for the fiscal year ending June 30, 2012 and by \$1,778,210 for the fiscal year ending June 30, 2013 in order to agree with income received from state agency class 27 appropriations for said fiscal years. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the class lines which will be reduced as a result of this section.

II. The department of administrative services, in consultation with the department of information technology and impacted agencies, shall reduce appropriations in class 27 for any agency where the appropriation exceeds the amount necessary for the provision of information technology services to that agency. Said reductions shall total \$952,486, of which not less than \$378,588 shall be state general funds, for the fiscal year ending June 30, 2012, and shall total \$689,061, of which not less than \$270,576 shall be state general funds, for the fiscal year ending June

30, 2013. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the reductions required by this section.

III. The department of information technology, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in a reduction of state class 27 appropriations by \$571,618, of which \$547,426 shall be general funds, in the fiscal year ending June 30, 2012 and by \$505,907, of which \$497,411 shall be general funds, in the fiscal year ending June 30, 2013. As part of achieving these reductions, the department of information technology shall implement a pilot program to use open source software in certain state agencies in an effort to reduce costs. By July 30 of each fiscal year, the department shall provide a report to the fiscal committee of the general court detailing the reductions required by this section.

11 Judicial Branch; General Fund Appropriation Reductions.

I. The judicial branch shall reduce state general fund appropriations by \$9,158,822 for the fiscal year ending June 30, 2012 and by \$12,086,800 for the fiscal year ending June 30, 2013. The branch shall not reduce the transfers to the department of administrative services for court facilities unless the reduction is agreed to by the commissioner of administrative services and the chief justice of the supreme court.

II. The branch shall provide a quarterly status report beginning July 1, 2011 to the fiscal committee of the general court on the implementation of recommendations contained in the innovation commission report. Said report shall include, but not be limited to, cost savings, position changes, and other successes and challenges as a result of such implementation.

III. On or after April 1, 2012, if the judicial branch has successfully implemented the innovation commission report to the extent feasible to that time, has demonstrated a nonjudicial, full-time position count reduction from 538 to 500, and is continuing the implementation, the judicial branch may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding for the fiscal year ending June 30, 2013. The governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

12 New Position; Department of Information Technology. There is established in the department of information technology a systems development specialist VI position for the purpose of implementing the business one stop project. In addition to any other sums appropriated to the department of information, the sum of \$89,889 for the fiscal year ending June 30, 2012 and \$91,284 for the fiscal year ending June 30, 2013 is appropriated for the purpose of funding the position. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Department of Corrections; General Fund Appropriation Reductions. The department of corrections shall reduce state general fund appropriations by \$6,000,000 for the fiscal year ending June 30, 2012 and \$7,000,000 for the fiscal year ending June 30, 2013. The department shall not close the North Country Facility located in Berlin as a result of meeting the required reductions. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

14 Department of Revenue Administration; General Fund Appropria-

tions Reductions.

I. The department of revenue administration shall reduce state general fund appropriations for classes 010, 011, 012, 013, 014, and 015 contained in section 1 of this act by a total of \$1,200,000 for the fiscal year ending June 30, 2012, and \$1,200,000 for the fiscal year ending June 30, 2013.

II. The department of revenue administration shall reduce state general fund appropriations in class 060, benefits, contained in section 1 of this bill by \$87,775 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

15 Department of Safety; Highway Fund Appropriations Reduction. The department of safety shall reduce highway fund appropriations by \$1,065,489 for the fiscal year ending June 30, 2012 and \$974,964 for the fiscal year ending June 30, 2013. The department shall provide a bi-monthly report of reductions made under this section to the fiscal committee of the general court.

16 Department of Environmental Services; Reduction in Appropriations. The department of environmental services shall reduce appropriations in class 080, out of state travel, by \$221,917 for the fiscal year ending June 30, 2012 and by \$217,832 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

17 Department of Health and Human Services; New Hampshire Hospital. For the biennium ending June 30, 2013, the New Hampshire hospital contract for psychiatric service funded in appropriation 05-095-090-940010-87500000, class 102, shall not allow or fund contractor indirect costs greater than 10 percent.

18 Department of Safety; Navigation Safety Fund Appropriations Reduction. The department of safety shall reduce appropriations from the navigation safety fund by \$675,560 for the fiscal year ending June 30, 2012 and \$677,293 for the fiscal year ending June 30, 2013. The department shall provide a bi-monthly report of reductions made under this section to the fiscal committee of the general court.

19 Department of Transportation; Highway Fund Appropriation Reductions.

I. The department of transportation shall reduce highway fund appropriations by the following amounts and include the following position reductions:

Position				
Accounting Unit	Description	FY 2012	FY 2013	Reductions
04-96-96-9640-3030	Rideshare/Bike/Ped Program	\$64,051	\$64,246	1
04-96-96-9630-3049	Non-Participating Cons/Recons	\$20,000	\$20,000	0
04-96-96-9655-3018	Transfers to Other Agencies	\$500,000	\$500,000	0
04-96-96-9620-3022	SPR Planning Funds	\$193,913	\$193,913	0
04-96-96-9620-3025	Highway Design Bureau	\$98,711	\$97,702	4
04-96-96-9620-3033	Bridge Design Bureau	\$54,504	\$54,687	1
04-96-96-9620-3034	Materials and Research Bureau	\$66,379	\$68,161	1
04-96-96-9605-3007	Highway Maintenance Bureau	\$2,397,131	\$2,465,329	42
04-96-96-9605-3008	Bridge Maintenance Bureau	\$437,251	\$448,169	7
04-96-96-9605-3009	Traffic Operations	\$315,315	\$319,909	5
04-96-96-9605-3052	Transportation Management Center	\$137,625	\$138,682	2
04-96-96-9605-5034	Lift Bridge Operation	\$42,205	\$42,636	1
04-96-96-9603-3027	Employee Training	\$70,745	\$71,088	0
04-96-96-9603-5031	Office of Stewardship & Compliance	<u>\$313,172</u>	<u>\$316,757</u>	<u>4</u>
Total		\$4,711,002	\$4,801,279	68

II. In addition to the reductions in paragraph I, the department of transportation shall reduce highway fund appropriations further by \$18,050,468 for the biennium ending June 30, 2013. The department shall submit a plan detailing the plan for the total reduction required under this section to the fiscal committee of the general court for approval by July 1, 2011.

20 Department of Cultural Resources; General Fund Appropriations Reductions. The department of cultural resources shall reduce state general fund appropriations by \$536,533 for the fiscal year ending June 30, 2012, and by \$539,643 for the fiscal year ending June 30, 2013.

21 Department of Justice; General Fund Appropriation Reduction. The department of justice shall reduce state general fund appropriations by \$484,834 for the fiscal year ending June 30, 2012 and \$484,834 for the fiscal year ending June 30, 2013. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court.

22 Transfer of Funds from Highway Fund to Department of Resources and Economic Development. The sum of \$200,000 is hereby appropriated from the highway fund to the department of resources and economic development for the biennium ending June 30, 2013, and shall be used for the purpose of funding the operations of 4 existing rest areas at the following locations: US Route 3 in Colebrook, I-89 in Lebanon, US Route 2 in Shelburne, and I-93 in Littleton. These funds shall not lapse until June 30, 2013.

23 Estimates of Unrestricted Revenue.

GENERAL FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	\$259,045,000	\$266,777,000
BUSINESS ENTERPRISE TAX	<u>63,482,000</u>	<u>65,352,000</u>
SUBTOTAL BUSINESS TAXES	322,527,000	332,129,000
MEALS AND ROOMS TAX	221,903,000	226,841,000
TOBACCO TAX	125,630,000	123,101,000
TRANSFER FROM LIQUOR COMMISSION	131,400,000	137,700,000
INTEREST AND DIVIDENDS TAX	85,400,000	87,100,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	82,400,000
REAL ESTATE TRANSFER TAX	53,096,000	54,163,000
COURT FINES & FEES	13,800,000	13,800,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,200,000	13,200,000
RACING & CHARITABLE GAMING	0	0
OTHER REVENUES	69,300,000	69,400,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>2,400,000</u>
SUBTOTAL	1,266,556,000	1,291,934,000
MEDICAID ENHANCEMENT TAX	97,000,000	104,800,000
MEDICAID RECOVERIES	<u>17,800,000</u>	<u>18,400,000</u>
TOTAL GENERAL FUND	<u>1,381,356,000</u>	<u>1,415,134,000</u>
EDUCATION FUND	FY 2012	FY 2013
BUSINESS PROFITS TAX	55,510,000	57,167,000
BUSINESS ENTERPRISE TAX	<u>126,963,000</u>	<u>130,704,000</u>
SUBTOTAL BUSINESS TAXES	182,473,000	187,871,000
MEALS AND ROOMS TAX	7,297,000	7,459,000
TOBACCO TAX	97,870,000	95,899,000

REAL ESTATE TRANSFER TAX	26,504,000	27,037,000
TRANSFER FROM LOTTERY COMMISSION	70,000,000	72,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	3,500,000	3,500,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,200,000	28,300,000
STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
TOTAL EDUCATION FUND	818,944,000	825,166,000
HIGHWAY FUND	FY 2012	FY 2013
GASOLINE ROAD TOLL	124,500,000	124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>44,600,000</u>	<u>43,600,000</u>
TOTAL HIGHWAY FUND	<u>277,400,000</u>	276,400,000
FISH AND GAME FUND	FY 2012	FY 2013
FISH AND GAME LICENSES	8,960,000	8,960,000
FINES AND MISCELLANEOUS	<u>1,875,000</u>	<u>1,875,000</u>
TOTAL FISH AND GAME FUND	<u>10,835,000</u>	<u>10,835,000</u>

24 Effective Date. This act shall take effect July 1, 2011.

The signatures below attest to the authenticity of this Report on HB 1-A, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

*Conferees on the Part
of the Senate*

Sen. Morse, Dist. 22
Sen. Odell, Dist. 8
Sen. Barnes, Jr., Dist. 17

*Conferees on the Part
of the House*

Rep. Weyler, Rock. 8
Rep. Belvin, Hills. 6
Rep. W. Smith, Rock. 18
Rep. Kurk, Hills 7
Rep. L. Ober, Hills. 27

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Mister President, I move the adoption of the committee of conference report on House Bill 1. This budget is significant for us as a Legislature, and it is significant for the State of New Hampshire. While the committee of conference was difficult at times – which it usually is – in the end, we worked well with the House Finance Committee in putting together a responsible budget, and I thank them.

The Legislature produced a truly balanced two-year budget, spending \$4.4 billion in general funds, approximately \$35 million less than the Senate-passed version. This is approximately an 11 percent reduction from the last biennium and projects an \$11 million Rainy Day Fund balance without any new or increased taxes, fees, or bonding of operating expenses. This is the first time since World War II that a biennial budget spent less than the previous two years. This was not an easy budget to produce, but a budget of difficult choices. This is the first step in putting the State on the track towards fiscal responsibility. This budget represents the promise that we made to the voters last year: that we would show the same discipline and make the same difficult choices that working families across New Hampshire are making at their kitchen tables every day. Our budget closes a historic budget deficit, and not only does it not raise taxes or fees, it actually delivers stability and predictability to get our economy moving again. The budget represents the State living within its means and enhancing the New Hampshire advantage by making our state more competitive. This is the type of transformative change that our citizens deserve.

At the beginning of the committee of conference, there was one outstanding issue that needed to be addressed: the pending deficit in '11. Our ability to balance the budget for '12 and '13 totally hinged on balancing '11. Governor Lynch came before us and did a couple of very important things. First of all, he acknowledged the \$14 million shortfall facing '11. Next, he presented us with a plan to ensure this year was balanced, and I thank him. Given that, we were able to move forward, and with his cooperation.

Another important matter we had to address was revenues. Thanks to the leadership of Senator Odell and our colleagues on Ways and Means, we were able to closely work with the House in agreeing upon revenues. This is also historic, in that as long as I have been here, we came together – we didn't inflate revenues to justify more spending during the committee of conference; it was the opposite. Given the trends of our current revenues, these Senators and Representatives felt it was prudent to lower our estimates to be as responsible with the taxpayers' dollars as we could. Although this was a difficult decision, we agreed.

The budget we are about to vote on reflects many of the same priorities and reforms included when it left the Senate. It reflects the belief that it is the role of government to take care of those that cannot take care of themselves. While there are limited resources, we are pleased to provide funding for the DD waitlist and catastrophic aid to restore the Governor's cuts. We also maintained our funding levels for mental health care for children and adults, children in need of services, and public safety.

It is important to remember that this is only the first step, but a very important one in getting our fiscal house in order. We refocused state government on its priorities while accounting for nearly \$400 million in federal funds not available this biennium and over \$30 million in new debt service payments resulting from previous budgets.

I would like to thank my colleagues on Finance for hanging in there with me through long days and long nights, and even missing the Bruins winning the Stanley Cup, which I have been informed I will be 80-some years old when they win again. I would also like to thank the Senate President and Senator Bradley for their leadership. We truly enjoyed working with the House Finance Committee, and would also like to thank them for their leadership during this process.

The Senate Finance Committee recommends this bill be adopted and we ask for your support.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition, and would like to speak to some issues. First, let me say this: I applaud the Chair for his work done on this piece of legislation; it was a very difficult thing. The document that came over from the House was totally unacceptable. But, let me tell you some things that aren't in this piece of legislation that have a dramatic effect on every person that you represent – every person that you represent – because our responsibility is to care for those who can't care for themselves, to provide assistance for those who can't get assistance for themselves, and to make sure that they have a life that's as good as ours.

In the first instance, CHINS: The House totally eliminated the CHINS program – eliminated the CHINS program. That meant that over 500 children that are now being served would have been left out in the cold. The Senate came halfway and restored half of the CHINS money. What's

a CHIN? Do we all understand what a CHIN is? A CHIN is a person who needs supervision and rehabilitation service, and this service is addressed for a problem child – youth involved with the Division through a petition in the family court. The current proposal will serve only the most aggressive youth who exhibit fire-setting or sexualized behaviors that pose a danger to the child or others and exhibit dangerous or life-threatening behaviors toward themselves or others. About 450 youth and their families will no longer be served; we'll take care of the 50 most egregious cases – 50 most egregious cases. But the 450 that need our service and have had our service will not be served. In the Manchester school system, there are 16 CHINS, costing the school system – or, will cost the school system – an additional \$1.6 million if they are not among the 50 most egregious youngsters to be served.

Let's talk about adoption subsidies. We're so involved in adoption subsidy – we believe in adoption. Adoption subsidy is a financial assistance to families who adopt children with significant special needs and provides those children with stability, continuity, and long-term family connections. Children in foster care who do not return home or get adopted typically age out of the child welfare system without a permanent family and they have poor life outcomes. The cost of children remaining in the foster care system is more expensive, as the State not only pays placement expenses, but all other expenses involved with raising that child. Currently, the budget restriction in adoption subsidy will impact about 675 children – 675 children. Those children live in all of our districts; they won't be taken care of.

Let's talk about one that breaks my heart, and that's congregate housing. I got a letter from a 96-year-old woman who lives in my district; she lives in the Burns Apartments – 96 years of age. She gets congregate services. Congregate services are given to four major cities: Manchester, Somersworth, Keene, and Laconia. About 240 people are involved. What do they get? They get homemaker services, they get transportation, they get some meals, and they get personal care, for example: toileting and bathing. Without these services, many of these people will be relegated to nursing facilities, at a cost greater than the appropriation.

Alzheimer's care and care-giving services: About 250 people will be affected. And, what does the caregiver do? It gives access to support services and respite care. This will disappear under this budget.

And, I think one of the things that troubles me the most is the STD/HIV situation that will be eliminated. What will that do, and how many people will be affected? About 6,127 clients will no longer be screened, tested, or given treatment and education on risk reduction; 4,918 HIV tests will not be conducted; 382 clients who have identification of their sexual partners will not be serviced. In the City of Manchester, our Public Health screens these people. They will no longer, after the 30th of June, be able to do that. In the last year, 1,200 people were assessed; they were given comprehensive screening. They received a confidential diagnosis, testing and treatment for STDs, as well as HIV testing and counseling. In addition, another 120 high-risk individuals received HIV testing at off-site clinics including the Farnum Center, Serenity Place, and the Hillsborough County Department of Corrections; 65 percent of these people were uninsured. Who's going to pick up the slack? Where's the slack going to go? It's going to go to emergency rooms, where the cost of doing this screening and evaluation is three times the cost of doing it in a public health environment. As a public health director for the City of

Manchester, I am gravely concerned that without our ability to conduct contact investigations, track, and treat clients, we will experience a surge of communicable disease transmissions within our community and state as a result of the elimination of this funding. In addition, local hospitals will see an increase in emergency room utilization and uncompensated care, putting additional burden on an already stressed system.

For those reasons, Mister President, I oppose the passage of this piece of legislation. Thank you.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. This is the last day of school for Portsmouth, so many of our seniors are busy with their summer activities and the younger members of the team are busy with exams. But, I am thrilled to have representation here from three groups to accept our congratulations.

First of all, the Portsmouth baseball team just won their 83rd consecutive game and the State Championship this past weekend. I want to recognize Coach Tim Hopley, representing the team, for his managing style and his leadership in developing the skills of these great players. Five of those members were also on the 2006 Little League World Series championship team. So, there have been some great players that have come through there in the last four or five years in Portsmouth.

The Portsmouth girls lacrosse team just completed their undefeated season and State Title, which is also remarkable and exciting. This puts their total at three championships in the past five years. With us today are Lauren Nevin, Abby Ferris, and Symonne Fontenot as members of the team, and we recognize their assistant coach, Justine Ferland, and coach Mary Squire for their tireless efforts throughout the season.

And finally, I want to recognize the Portsmouth Percussion Ensemble, which recently won the concert open class division at the Winter Guard International Percussion World Championships in Dayton, Ohio. They also hold the distinct honor of winning three consecutive years at the New England percussion championships. The members here today are Maria Tulois-Kozak, Chelsea Baruski, and Sabrina Gazley – and, I apologize for murdering your names – along with their instructor, Steve Cirillo.

It is always a pleasure to represent the beautiful Seacoast, but having these three groups of students who have displayed such grace, humility, and excellence in their respective activities makes me very, very proud to represent District 24. Please help me in recognizing the Portsmouth Clippers and welcome them to our State Senate.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in opposition to the adoption of the committee of conference report on HB 1. I like to say that I'm New Hampshire-educated: grade school to grad school. And, I like to say it because it's true. I have diplomas somewhere – I'm not sure where in the house – from the Barnard School in South Hampton where there were ten of us in the 8th grade graduating class, from Winnacunnet High School, UNH, and Dartmouth. And, I'm proud of that; I'm particularly proud of the undergraduate education that I received at UNH. And, I'm proud to have seen the progress made at UNH since the time I was there: the development of the earth, ocean, and space program, the McCarthy Institute, the marine science program, the environmental engineering program, and later, as a staff member of UNH,

I had the opportunity to work in the undergraduate research program with students who would match the ability of students anywhere. But today, New Hampshire parents got some discouraging news when they opened the newspapers, because yesterday, the university system of New Hampshire trustees voted on tuition increases – increases that were their last-resort response to the cut of almost 50 percent contained in HB 1: the biggest cut to higher education in any state budget, and an appropriation that's the lowest since 1988.

The great majority of the system cuts will be met by spending decreases at the system's schools, including 200 jobs. But, that just isn't enough, and so the unavoidable tuition increases have come about or will come about and the bad news for parents and their children. At UNH, in-state tuition will go up 12.4 percent, for the total cost of attendance going up 8.7 percent to almost \$25,000 – not the highest in-state cost in the country, amazingly, but among the highest. At Plymouth and Keene, in-state tuition will rise almost 20 percent, with total expenses going up almost 10 percent to a total of over \$20,000. And, at Granite State College, the cost of attending will increase almost 6 percent. These are our state institutions, and they're fine institutions. Our New Hampshire students should have the opportunity to attend them, to have the honor of saying that they are New Hampshire-educated just as I have had that honor, and just as many of you and your children and grandchildren do. So, I find this part of HB 1 to be a disturbing commentary on commitment to higher education in New Hampshire. And so, while I have great respect for the work that was done by the Finance Committee and appreciation for the changes that were made on the Senate side, this is one of the main reasons that I will be unable to support this committee of conference report is because of the cuts that we're seeing to higher education. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you. The budget of this great state should reflect the goals and values of our citizens, and it's a statement of who we are and who we aspire to be. More than any goal, we heard a lot about creating jobs and growing New Hampshire's economy. Unfortunately, when it comes to this state budget, these goals come up short. In fact, this budget is a shirk-and-downshift budget: It shirks our most basic responsibilities for good roads, sound public education investments and economic investments that grow jobs and support our most vulnerable citizens. Instead of growing jobs, it eliminates New Hampshire jobs: more than 1,000 jobs in the public sector and untold numbers in the private sector, creating barrier after barrier for New Hampshire's workers and their families as they struggle to regain their economic footing. This budget threatens to curtail New Hampshire's fragile economic recovery. It sends hundreds of workers into the unemployment line, imposing greater costs on local communities and their taxpayers and creating obstacles to restoring economic vibrance in the Granite State. What happened to this goal of job creation? With this budget, small business health insurance premiums will skyrocket as we eliminate hospital funding for uncompensated care, and families and children will find it hard to pry open the doors of economic opportunity.

There are unprecedented cuts to higher education, as you've heard, and job training, and to programs specifically designed to keep families financially independent and on their feet. There are thousands who will no longer be able to work because of cuts in supplements for more than 4,000 children supported in employment childcare and home supports to

families with disabilities. More than 800 kids will lose their HealthyKids insurance under this budget. Life-sustaining support will disappear for more than 250 families in the unemployment parents program and 1,100 people in the TANF families dealing with disabilities. More than 400 families with children in need of services will find the doors of guidance and opportunity closed, as will 1,200 youths needing substance abuse treatment to become self-supporting adults and help their families function. This budget, as we've heard, cuts in half our state support for higher education to both university and our community colleges, an amount equal to the deepest of any cuts in the nation. It causes an immediate and unanticipated tuition increase that many families will find impossible to absorb, and such reductions cause irreparable harm to our long-term economic prosperity and our ability to grow businesses. An educated workforce is the single most important factor behind New Hampshire's economic engine. Instead of slicing education budgets we need to do everything we can to ensure that New Hampshire citizens have the opportunity to go to college and post-graduates are able to work and raise families here in New Hampshire. Yet, this budget shirks this most critical economic responsibility of the State and shifts costs back to students and families.

Additional cuts to the small business development center and innovation research center will reduce public-private partnerships' efforts to spur innovation and create jobs. Highway construction jobs will be cut as our roads and 137 red-listed bridges become more decrepit from lack of funding. Not only does this budget eliminate public and private sector jobs, but it shifts enormous tax increases on hospitals and first responders. Hospitals are some of New Hampshire's largest employers – \$120 million tax shift on them creates a \$100 million tax on all of us. It leads to significant layoffs in our state, and at the same time, it sends healthcare costs skyrocketing for both small business owners and private payers, and people just cannot afford it.

Also included in this shirk-and-downshift budget is an \$80 million income tax on firefighters, police officers, teachers, and other public employees. These people are not and should not be the enemy. They're working people struggling to support their families and working to provide the American Dream for their families, just like thousands of other New Hampshire citizens. Singling them out for a tax on their annual income is wrong. It shifts the unfunded local retirement costs onto those who have already paid their fair share and shirks the pay package that has already been promised to them. We are already seeing this will lead to the retirement of our most experienced public employees: our most experienced firefighters, teachers, and public safety workers, putting our children's future and public safety at risk. With this shirk-and-shift budget, millions of dollars are downshifted to local communities. The cuts to education, health services, and childcare programs will dramatically increase the burden on county and local governments and welfare offices. With municipal funding cuts alone totaling at \$114 million, cities and towns across the state will be forced to dramatically raise property taxes, lay off essential police officers, firefighters, and teachers, and put even more lives at risk through cuts to snowplowing, road and bridge repair, and lifesaving social services.

I know our Senate Finance colleagues restored a portion of the most appalling House cuts, that given each elected official's social contract to protect good roads, good schools, and responsible social safety net, we hoped the Senate would not capitulate to the reckless shirk-and-shift

proposals set forth by the House. When we face devastating layoffs and tuition increases, why choose to lower the already lowest-in-New England state tobacco tax by 10 cents? Why agree to this House demand when it's recognized to reduce youth smoking and estimated to lose almost \$15 million in revenues, and a recent report shows it could be as much as \$30 million in revenue loss. And, what will happen when this loss is not accounted for in our two-year budget? Why agree to this when we know that sorely needed funds could offset dramatic increases in property taxes or student tuitions or health insurance costs? I would remind you that this budget crisis is not caused by overspending, despite what they argue in this great recession. Under Democratic leadership between 2006 and 2010, general funds spending grew more slowly in those four years than any other four-year period in the last ten years. It's our revenues from business profits, interest and dividends, tobacco and liquor sales, restaurants, hotels, and real estate sales that have declined in this recession. Yet those who will feel it most, and the difference in this budget, will again be the middle class of our state who bear three times the tax burden as a percentage of the income of our wealthiest citizens. While some may not immediately see the effect of this shirk-and-shift budget, I predict the picture will be increasingly clear as each citizen faces the challenges ahead: increasing property taxes, fewer jobs, education opportunities, increased health insurance costs, and the unmet needs of those most vulnerable on our streets. This budget breaks the social contract that each of us elected officials have with the voters: to safeguard our most important priorities, promoting job growth, public safety, public education, decent highways for commerce, and decent support for those most vulnerable in our communities. That's why I will be voting against this budget, as would many citizens of New Hampshire who will soon be feeling the sad effects of this shift-and-shirk budget. Thank you, Mister President.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Good morning, Mister President. As we gather here this morning on this gorgeous June day, I think we all realize this is a budget about tough choices – incredibly tough choices. It's also a budget about establishing priorities and reforming the way we do government. It's a budget that is set against the backdrop of a terrible economy, but I would argue to each and every one of us, it's a budget that if we do it and adopt it today, provides hope for the future.

So, let me just touch on some of the things that have been raised today. We all know the budget starts in February; the Governor faced many of the same agonizing decisions that we did. And, as the Governor said, as quoted by Charlie Arlinghaus, in his budget address: "None of us can say: 'Cut state government spending, but don't close the office in my town or change my program.'" Wise words. And so, the Governor proposed some pretty significant cuts: He started with HealthyKids, with postsecondary education; he defunded the disability waitlist, proposed major cuts to hospitals, CHINS, catastrophic aid, and proposed to eliminate – yes, that's right: eliminate – the subsidy for retirement that our cities and towns and counties and schools depend on. The House and Senate, in the conference committee, made adjustments. The Senate, led by our good friend from Salem, restored some money to some of the most critical needs in the state: people with mental health issues, the DD waitlist, some CHINS money, the adoption subsidy that our good friend from Manchester spoke so eloquently about some money was restored to. But, we know that given how the budget was built over the last several years

and the problems that were inherited by budget-writers this year of nearly \$800 million in deficit, roughly \$400 million of one-time federal money that we know will never be replicated, nor should it be when our federal government is facing a \$14 trillion deficit and trillion-dollar deficit stretching as far as the eye can see. We know that we weren't able to continue on the path of borrowing for operating expenses; it's simply unsustainable. And, we also realize the problem that we all know too well in this document: that we can't inflate revenue to match our spending desires. And, over the last four years, as Charlie Arlinghaus says today: "The recession and a constant unwillingness to deal with the growing budget problems devastated the State's fiscal order. In each of the last four years, the State spent more than it raised – in most years, significantly more." Today we have a chance to correct that. It doesn't mean that it's easy; it doesn't mean that it's something that we like to do. These are tough choices that we have to make. But, I would argue that if we do this today, if we get our fiscal house in order, we will see the continuation of a fragile economic recovery.

Since November, 6,000 of our friends and neighbors have come back to work. I believe that part of the reason for that is that small businesses and working families who've had to tighten their belts for years have realized that Concord is now finally, after a 24 percent increase in spending over the last four years and nearly 100 new tax and fee hikes, people and small businesses have realized that we're going to do the same thing, and it is a good time to invest in New Hampshire. And, I would argue that that's a reason why our job numbers have started to improve. Yes, there's a long ways to go; the unemployment rate was at 5.6 percent in November, it's now 4.8 percent – one of the lowest in the country, but still something that we have to work hard to maintain. Now is not the time to move away from fiscal prudence, from balancing our state budget without gimmicks, without borrowing, without inflating revenue, without looking to Washington bailouts, and without crippling tax increases. Now is the time to get our fiscal house in order, to understand what that means to the business community, to recognize that the best program is a good job, and that if we do our job today of getting the State's fiscal house in order, we will lead the way to recovery for New Hampshire working families and small businesses. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes. The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

**June 16, 2011
2011-2513-CofC
09/01**

Committee of Conference Report on HB 2-FN-A-LOCAL, an act relative to state fees, funds, revenues, and expenditures.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Meals and Rooms Tax; Distribution to Cities and Towns. Notwithstanding any other provision of law, for each fiscal year of the biennium ending June 30, 2013, the state treasurer shall fund the distribution of revenue to cities and towns pursuant to the formula for determining the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II at no more than the fiscal year 2011 distribution.

2 Suspension; Revenue Sharing. Notwithstanding any provision of law to the contrary, RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending June 30, 2013.

3 Recording Surcharge. Notwithstanding the provisions of RSA 478:17-g, II(c), for the fiscal year ending June 30, 2012 an amount of \$120,000, and for the fiscal year ending June 30, 2013 an amount of \$120,000, received from the recording surcharge collected by registrars of deeds under RSA 478:17-g, II(a) shall be deposited in the land and community heritage investment program administrative fund under RSA 227-M:7-a, and the remainder of funds received for the surcharge shall be credited to the general fund.

4 School Building Aid; Alternative School Building Aid.

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, and notwithstanding the school building aid funding provisions of 2009, 144:11, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved on or after June 30, 2011 through June 30, 2013.

II.(a) The commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the state fire marshal or designee determines, based on reasonable information and belief, that:

(1) The condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons, and requires remediation prior to July 1, 2013; or

(2) A structural deficiency in the function or operation of a school building or portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more than a technical violation of the fire code, and requires remediation prior to July 1, 2013.

(b) Any school building aid provided under a waiver granted pursuant to this paragraph shall be limited to the costs associated with the remediation of the conditions or structural deficiencies set forth in this paragraph.

III. Paragraph I of this section shall not apply to the Unity School District for the project approved by the town at a special meeting held on August 23, 2010.

5 Driver Training Fund. Amend RSA 263:52 to read as follows:

263:52 Driver Training Fund.

I. The proceeds from original license fees as provided in RSA 263:42 and the vanity plate service fee collected in accordance with RSA 261:89, plus the fee for the renewal of the use of such plates, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended [solely] for

~~[courses of instruction and training in]~~ ***course materials, licensing of schools, and certification of instructors in connection with*** safe motor vehicle driving conducted in or under the supervision of secondary schools. ~~[After all costs of administration of the program each year of the biennium have been reserved, the balance which is appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year.]~~ Such balance shall be kept in a separate fund. ~~[which shall be paid out on or before September 15 of each year to participating schools prorated on a per-pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council,]~~ The commissioner of safety ~~[jointly with the commissioner of education]~~ shall adopt, pursuant to RSA 541-A, and publish, rules governing the courses of instruction and training ~~[and determining eligibility of secondary schools to receive moneys from the fund established by this section].~~

II. The \$40 vanity plate service fee and the fee for renewal of vanity number plates shall automatically be credited to the driver training fund until all fees in such fund equal the amount of money estimated by the general court as available for expenditure for ~~[the]~~ ***course materials, licensing of schools, and certification services in connection with*** driver training ~~[program]~~ from that fund for that fiscal year~~[- which shall include \$150 for each pupil who has completed the driver education program]~~. Once the ***driver training course materials, licensing of schools, and certification services have been funded in accordance with the*** legislative estimates ~~[have been matched]~~ for the current fiscal year, ***the next 1.5 million dollars shall be transferred to the department of safety as restricted revenue, thereafter*** the balance of all such fees shall be transferred to the general fund and shall be available as unrestricted revenue.

6 Driver Training; Rulemaking Authority; Commissioner of Safety. Amend RSA 21-P:14, I to read as follows:

I. The commissioner of safety shall ~~[act jointly with the commissioner of education to]~~ develop and adopt rules, under RSA 541-A, relating to driver education courses to be given in the secondary schools of the state and motor vehicle drivers' schools licensed under the provisions of RSA 263:44, and relating to the licensing of the schools and of their teachers and instructors, which rules shall cover the subjects of:

(a) Facilities and equipment.
(b) The educational background and other qualifications of teachers and instructors.

(c) Curriculum and hours during which instruction may be given.

(d) Amounts of insurance with respect to training vehicles and other facilities of the school, which may be in addition to any other insurance coverage required by law.

(e) ~~[Payments to secondary schools or districts.]~~

(f) Admission and advertising practices, together with terms of enrollment, of schools licensed under the provisions of RSA 263:44.

~~[(g)]~~ (f) Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.

~~[(h)]~~ (g) Any other subject which in the judgment of the ~~[commissioners]~~ ***commissioner*** requires rulemaking to promote the effectiveness of driver education courses.

7 Repeal. RSA 21-N:6, VI, relative to administering department responsibilities for driver education, is repealed.

8 Workers' Compensation; Administration Fund. Amend RSA 281-A:59, III to read as follows:

III. Each insurance carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw a warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed the amount appropriated for *the fund, which shall include* the budget of the workers' compensation division of the department of labor for the fiscal year in which the assessment is made *and all other costs of administering this chapter*. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

9 Department of Health and Human Services; Direct Graduate Medical Education; Suspension. Notwithstanding 2010S, 1:40, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) effective July 1, 2011 through June 30, 2013. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct graduate medical education shall be suspended for the biennium ending June 30, 2013.

10 Department of Health and Human Services; Indirect Graduate Medical Education; Suspension. Notwithstanding 2010S, 1:83, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of indirect graduate medical education payments to hospitals effective July 1, 2011 through June 30, 2013. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of indirect graduate medical education shall be suspended for the biennium ending June 30, 2013.

11 Department of Health and Human Services; Authority to Fill Unfunded Positions. Notwithstanding any provision of law, the commissioner of the department of health and human services may fill unfunded positions during the biennium ending June 30, 2013, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services, permanent, and personal services, unclassified.

12 Repeal. The following are repealed:

I. RSA 137-G, relative to the catastrophic illness program.

II. RSA 6:12, I(b)(145), relative to application of receipts from the catastrophic illness fund.

13 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. Notwithstanding 2009, 144:160 and 2010S, 1:84, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals effective July 1, 2011 through June 30, 2013.

14 Department of Health and Human Services; Program Eligibility; Additional Revenues; Transfer Among Accounts.

I. For the biennium ending June 30, 2013, the department of health and human services shall not authorize, without prior consultation with the house health and human services and elderly affairs committee and the senate health and human services committee and the approval of the fiscal committee of the general court and governor and council, any change to program eligibility standards or benefit levels that might be expected to increase or decrease enrollment in the program or increase expenditures from any source of funds; provided, however, that no such prior approval shall be required if a change to a federal program in which the state is participating as of the effective date of this section is required by federal law.

II. Notwithstanding any provision of the law to the contrary, for the biennium ending June 30, 2013, the fiscal committee of the general court and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues in excess of \$50,000, that are in addition to the budgeted amounts, from any source, which become available to the department; provided, that such expenditures do not increase eligibility standards or benefit levels.

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2013, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all accounting units within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department, with the exception of class 60 transfers.

15 Mental Health Services System; Definitions. Amend RSA 135-C:2, II-a to read as follows:

II-a. "Advanced practice registered nurse" or "APRN" means an advanced practice registered nurse licensed by the board of nursing who is **certified as a psychiatric mental health nurse practitioner by a board-recognized national certifying body.**

16 Mental Health Services System; State-Funded Clients. Amend RSA 135-C:5, II to read as follows:

II. The commissioner or designees may conduct site visits and may otherwise audit and monitor all aspects of the administration, fiscal operations, and services of the program providing the service to determine compliance with the rules authorized under RSA 135-C:61. Auditing and monitoring may include review of the individual records of **persons with severe mental disabilities, persons who receive emergency services, and/or persons whose services are paid for, in whole or in part, by state funds or federal funds** in the state mental health services system, notwithstanding the provisions of RSA 329:26, RSA 330-A:32, or any other law.

17 Mental Health Services System; Community Mental Health Program Outcomes. Amend RSA 135-C:7 to read as follows:

135-C:7 Community Mental Health Programs. Any city, county, town, or nonprofit corporation may establish and administer a community mental health program for the purpose of providing mental health services to individuals and organizations in the area. Every program shall, at a minimum, provide emergency, medical or psychiatric screening and evaluation, case management, and psychotherapy services. The department may contract with a community mental health program, pursuant to RSA 135-C:3, for the operation and administration of any services which are part of the state mental health services system. In the event that the commissioner decides to enter into a contract for the operation and administration of any services which are part of the state mental health services system, the contract shall contain standards designed to measure the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity, and providing quality services.

18 Discrimination Prohibited; Eligibility for Services. Amend RSA 135-C:13 to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. ***Admission to the state mental health services system and access to treatment and other services within the system shall be contingent upon the availability of appropriations. The community mental health program responsible for providing services shall conduct a clinical assessment of every applicant for services. The community mental health program shall prioritize delivery of services based on the severity of the individual's clinical needs. Emergency services shall be provided as needed. Services shall not be denied to persons who are conditionally discharged from a receiving facility under RSA 135-C:50, or who are ordered to submit to treatment at a community mental health program under RSA 135-C:45.*** Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, ~~[such service shall be documented through individual service plans. When services have been documented to be necessary but unavailable;]~~ each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

19 Discrimination Prohibited; Eligibility for Services. RSA 135-C:13 is repealed and reenacted to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

20 Department of Health and Human Services, Division of Community-Based Care Services, Bureau of Behavioral Health; Mental Health Low Utilizers and Prior Authorization. For the biennium ending June 30, 2013, the department of health and human services shall maintain a limit on benefits of \$4,000 per person per year for adults with low service utilization of community mental health services, as identified in He-M 401.07; provided, that the department shall also establish, by rule under RSA 541-A, a procedure for such persons or community health providers to request a waiver of the \$4,000 limit based on legitimate treatment considerations. Upon request by the commissioner of the department of health and human services, the fiscal committee of the general court may authorize a higher per person per year limit.

21 County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Limitation on County Payments. RSA 167:18-a, II is repealed and reenacted to read as follows:

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years 2011-2014:

- (1) State fiscal year 2011, \$105,000,000.
- (2) State fiscal year 2012, \$105,000,000.
- (3) State fiscal year 2013, \$107,000,000.
- (4) State fiscal year 2014, \$109,000,000.

(b) The caps on total billings for fiscal years after fiscal year 2014 shall be established by the legislature at least on a biennial basis.

22 New Subparagraph; County Payment of Funds for Persons Eligible to Receive Nursing Home Services; Additional Credit. Amend RSA 167:18-a, III by inserting after subparagraph (b) the following new subparagraph:

(c) For the biennium ending June 30, 2013, the counties shall have an additional credit against the amounts due for long term care expen-

ditures under RSA 167:18-a. The credit in the amount of \$2,498,000 for the fiscal year ending June 30, 2012 and \$2,547,000 for the fiscal year ending June 30, 2013 shall be in addition to the \$5,000,000 annual credit set forth in subparagraph (a). The additional credit shall be allocated among the counties based on the percentage of total payments each county had for the preceding fiscal year from the nursing facility trust fund under RSA 151-E:15 and shall be made available to the counties as soon as possible after the start of the fiscal year. The total aggregate obligation of the counties shall be reduced by the amount of the credit in each fiscal year.

23 Repeal of Prospective Repeal. 2007, 263:26, relative to the repeal of RSA 167:18-a, is repealed.

24 Department of Health and Human Services, Division of Community Based Care Services, Bureau of Behavioral Health, 1915(b) Prepaid Health Plan. The department of health and human services shall seek approval from the federal Centers for Medicare and Medicaid Services (CMS) for a 1915(b) waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan. Upon receipt of approval, the department shall promptly implement the prepaid health plan by entering into contracts with community mental health service providers, subject to approval by the governor and executive council.

25 Department of Health and Human Services; Division for Children, Youth and Families. Notwithstanding any provision of law or administrative rule to the contrary, for the biennium ending June 30, 2013, the rates for all services, placements, and programs that are paid for by the department of health and human services pursuant to RSA 169-B:40, 169-C:27, 169-D:29, with the exception of rates for contracted services that are approved by the governor and council and rates for out-of-state placements, shall be the rate in effect for the particular service, placement, or program as of June 30, 2011.

26 Health and Human Services; General Provisions. Amend RSA 126-A:3, I(b) to read as follows:

(b) Transfer or reassign personnel within and between any division, office, unit, or other component of the department. ***Upon written notice to the commissioner of administrative services, such changes shall be reflected in the state's payroll and financial systems accounts.***

27 Department of Health and Human Services; Department of Safety Agreement Relative to Fee for State Criminal Record Check. Notwithstanding any provision of law to the contrary, the commissioner of the department of safety and the commissioner of the department of health and human services shall negotiate a reduced fee for performing a state criminal record check of department of health and human services employees, service providers, and licensed and license-exempt child day care providers.

28 Repeal. RSA 170-G:4, XVI, relative to prevention programs for juveniles, is repealed.

29 Prevention Programs for Juveniles; Reference Deletion. Amend RSA 169-D:17, I(e) to read as follows:

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guard-

ian, or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding~~], including but not limited to funding distributed pursuant to RSA 170-G:4, XVI].~~ Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

30 Repeal. RSA 151-E:3, III, relative to an assessment tool to determine clinical eligibility for nursing facility care, is repealed.

31 Health and Human Services; Social Services Block Grant Cost of Living Adjustment to Income Levels. Notwithstanding any other provision of law, the department of health and human services shall raise the income eligibility for elderly and adult clients under the Social Services Block Grant program every January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

32 Treasury; Establishment of Revolving Funds for New Hampshire Hospital Accounting Units 05-95-94-940010-9064 and 05-95-94-940010-8028. There shall be established in the state treasury 2 funds for use as a depository account by the department of health and human services, New Hampshire hospital. The funds shall be nonlapsing, continually appropriated to the department, and used to receive and temporarily hold funds for the hospital's education programs and emergency preparedness events until the funds are disbursed.

33 Suspension; Department of Health and Human Services; Bureau of Developmental Services; Full Funding of Wait List. Notwithstanding any provision of law to the contrary, RSA 171-A:1-a shall be suspended for the biennium ending June 30, 2013.

34 Transfer of Account Authority. The commissioner of administrative services shall make the necessary changes in the state accounting system to transfer sole authority of the following revenue accounts from the department of health and human services to the department of revenue administration, effective July 1, 2011: Medicaid enhancement tax accounting unit 8805-1042 and Medicaid enhancement tax receipt account 401624.

35 Uncompensated Care Fund; Definitions. Amend RSA 167:63, IV to read as follows:

IV. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 ~~[and receiving medicaid diagnosis related group (DRG) payments]~~, but not including government facilities.

36 Uncompensated Care Fund. Amend RSA 167:64, I to read as follows:

I. There is hereby established in the state treasury an uncompensated care fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a) ~~[No less than 50 percent of the moneys paid into the fund shall be utilized to support uncompensated care in hospitals in accordance with rules adopted by the commissioner, pursuant to RSA 541-A.]~~ ***The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall also be used to make***

medical provider payments and to support the state's Medicaid enhancement tax unrestricted revenue account, in amounts directed by the budget in each year of the biennium. Expenditure of revenues deposited to the uncompensated care fund shall be made in the following order of priority:

(1) To support medical provider payments as budgeted in each year of the biennium;

(2) To ensure that critical access hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit or at the highest uniform percentage that available funding would permit should funds be inadequate to cover 100 percent of the hospital limit for disproportionate share payments as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder;

(3) To support the state's Medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium; and

(4) If authorized, to reimburse non-critical access hospitals at the highest uniform percentage of each hospital's disproportionate share hospital payment limit as the funds made available under this section permit and are consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder.

(b) The commissioner is hereby authorized and directed to develop and implement, *in connection with the payment by the state to hospitals for reimbursement of uncompensated care costs*, a schedule of payments for reimbursement of the uncompensated care costs of those hospitals that are subject to the tax liability imposed under RSA 84-A and that participate in the state Medicaid program. *The reimbursement of uncompensated care costs paid in state fiscal year 2012 and state fiscal year 2013 shall be in accordance with the schedule of payments to hospitals [shall take] that takes effect on [January 1,] or after July 1, 2011, subject to the prior review and approval of [the fiscal committee of the general court and] the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that [reduces to the greatest extent practicable the disproportionate impact among hospitals of uncompensated care costs; (i) permits maximum available federal financial participation for these payments in accordance with Title XIX of the Social Security Act; and (iii)] is consistent with all federal laws and regulations governing (i) Title XIX disproportionate share hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial participation, and (iii) permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.*

(c) For purposes of this section, uncompensated care costs shall include: *any* charity care *[costs] cost, and* any portion of *[Medicaid] Medicaid-covered* patient care costs *[that are]* unreimbursed by Medicaid payments, *[and any portion of bad debt costs]* that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act *and the provisions of all federal regulations promulgated thereunder.*

(d) *[The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid fee for service rate adjustments or disproportion-*

~~tionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall be first allocated to ensure that critical access hospitals and rehabilitation hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit for disproportionate share payments as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). Non-critical access hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the funds made available under this section permit. The commissioner may create additional categories of need and make further reasonable distinctions among hospitals when determining the methodology for payments under this section, as necessary, to ensure that no hospital is unduly burdened by the fiscal effect of uncompensated care costs.~~

(e) One percent of the *funds made available for uncompensated care* payments [made from the class lines in the budget of the office of the commissioner, department of health and human services, entitled "hospital disproportionate share," "New Hampshire hospital disproportionate share," and "hospital uncompensated care pool²"] shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

37 Uncompensated Care Fund; Duties of the Commissioner. Amend RSA 167:65, II to read as follows:

II. Seek input from [~~the chairman of~~] the senate health and human services committee, [~~the chairman of~~] the house health, human services and elderly affairs committee, [~~the chairmen of~~] the house and senate finance committees, [~~the insurance department,~~] and [~~representatives of~~] *the* hospitals currently participating in the uncompensated care program [~~in developing~~] *during the development of* the uncompensated care payment system required under paragraph I, and present a report [~~detailing all the options and making recommendations~~] *describing the planned payment methodology* to the oversight committee on health and human services, established under RSA 126-A:13, [~~not later than January 1, 2010~~].

38 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, III to read as follows:

III. "Hospital" means general hospitals and special hospitals for rehabilitation required to be licensed under RSA 151 *that provide inpatient and outpatient hospital services* [~~and receiving medicaid diagnosis related group (DRG) payments~~], but not including government facilities.

39 Medicaid Enhancement Tax; Definitions. Amend RSA 84-A:1, IV-a to read as follows:

IV-a. "Net patient services revenue" means the gross charges of the hospital less any deducted amounts for bad debts, charity care, and payor discounts. *"Net patient services revenue" shall include revenues received from the state's uncompensated care account and revenues received from all payers of inpatient and outpatient patient care.*

40 Applicability; Null and Void. The applicability of paragraphs I and II of RSA 84-A:3 as they were applied in 1991 and 1992 is hereby declared null and void.

41 Repeal. RSA 167:65, III, relative to the uncompensated care payment system and the requirement of fiscal committee review and approval prior to submission of a Medicaid state plan amendment, is repealed.

42 Department of Health and Human Services; Consolidation. For the biennium ending June 30, 2013, the commissioner of the department of health and human services is directed to pursue operating and service

consolidation initiatives, in an effort to improve service delivery, obtain operating efficiencies, and promote the well-being of the state's citizens. The commissioner shall consolidate district offices of the department of health and human services to achieve a reduction of \$648,000 in general fund appropriations for the biennium ending June 30, 2013. The commissioner, through 2 percent attrition in field operations staff assigned to district offices, shall achieve a reduction of \$744,000 in general fund appropriations for the fiscal year ending June 30, 2012, and a reduction of \$754,000 in general fund appropriations for the fiscal year ending June 30, 2013. The commissioner shall provide regular notice of these efforts to the committees with jurisdiction over health and human services and finance of the house and senate.

43 Children's Health Insurance Program. RSA 126-A:3, VIII is repealed and reenacted to read as follows:

VIII. The commissioner shall submit a Title XXI state plan amendment, subject to approval by the fiscal committee of the general court and the oversight committee on health and human services, to administer the children's health insurance program within the department commencing upon implementation of Medicaid managed care. The commissioner shall operate the children's health insurance program utilizing the program model that demonstrates the greatest efficiency and value which includes, but is not limited to, Medicaid expansion, accountable care organization, or risk-based managed care models.

44 Responsibility for Public Medical Assistance. Amend RSA 167:3-b to read as follows:

167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do not apply to the administration of medical assistance, *except with respect to the spouse of the individual who needs medical care or services, or the parent of such individual, if said individual is under the age of 21.*

45 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the child at the ~~[Philbrook center]~~ *New Hampshire hospital* or to expenses incurred for the cost of accompanied transportation *or to expenses incurred for the cost of alcohol and drug testing.*

46 Nursing Facility Quality Assessment; Contingency. Notwithstanding RSA 84-C:11, I, for the biennium ending June 30, 2013, the nursing facility quality assessment imposed by RSA 84-C shall not be assessed, and no return shall be required to be made, upon the occurrence of any proceeds collected from nursing facilities as defined in RSA 84-C:1, V(a), from the nursing facility quality assessment being expended by the state or any state agency for any purpose other than funding nursing facility expenditures through the nursing facility trust fund under RSA 151-E:14 and long-term care services through the department of health and human services.

47 Intermediate Care Facilities; Use of ICF Separate Account. Notwithstanding the provisions of RSA 84-D:5, for the biennium ending June 30, 2013, moneys from the ICF separate account may be expended by the state for long-term care services through the department of health and human services.

48 Quality Assessment Expenditures; State Expenditures for Long-Term Care Services. For the biennium ending June 30, 2013, notwith-

standing the provisions of RSA 151-E:14 and RSA 151-E:15-a, 25 percent of the receipts from the nursing facility quality assessment under RSA 84-C:3 and the ICF quality assessment under RSA 84-D:3 shall be deposited as restricted revenue in accounts of the department of health and human services and shall be used in support of long-term care services and not for any other purpose.

49 Department of Transportation; Agreements to Lease-Purchase Vehicles and Equipment Authorized. For the biennium ending June 30, 2013, the commissioner of the department of transportation is authorized, with the prior approval of the fiscal committee of the general court, to enter into agreements to lease-purchase vehicles and equipment.

50 Department of Transportation; Federal Assistance Grant; Appropriation. Any sum received in the fiscal years ending June 30, 2012 or June 30, 2013 from the Federal Emergency Management Agency of Federal Highway Administration's Emergency Relief Program or any other federal program providing emergency assistance to the department of transportation to reimburse costs incurred for emergency response, including but not limited to, equipment rental, snow plowing, sanding, salting, flood damage response, and personnel overtime during any emergency declared shall be collected by the appropriate agency and appropriated to the department of transportation.

51 New Sections; Department of Labor Nonlapsing Restricted Fund. Amend RSA 273 by inserting after section 1 the following new sections:

273:1-a Budget and Accounting. The department of labor shall budget and account for its operations through restricted funds rather than through the general fund; said restricted funds to be funded through all fees, licenses, certificates, and civil penalties of the department of labor, as well as existing assessment procedures.

273:1-b Restricted Fund. There is hereby established in the state treasury a department of labor restricted fund for the sole purpose of paying costs of operating the department of labor other than workers' compensation. All moneys in the restricted fund shall be continually appropriated to the department of labor. The commissioner shall administer the fund, and the state treasurer shall be the custodian of the fund. All moneys in the fund in excess of amounts used by the department for authorized personnel expenses, administrative costs, and other related costs for the operation of the department, shall be transferred on June 30 of each year to the general fund. The existence and operation of this restricted fund shall not affect the continued existence and operation of the administration fund established by RSA 281-A:59.

52 New Subparagraph; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after subparagraph 304 the following new subparagraph:

(305) Moneys deposited in the department of labor restricted fund established in RSA 273:1-b.

53 Reference Changes. Amend the following RSA provisions by replacing the words "general fund" or "state's general fund" with "department of labor restricted fund established in RSA 273:1-b": RSA 157-A:10-a, I; 157-B:13-a, I; 273:11-a, I; 275-F:9, I; 277-B:12, II; 277-B:13; 281-A:4-a, I; 281-A:7, I(a)(2); 281-A:43, I(d); 281-A:43, I(e); 281-A:59, IV; 281-A:60, I(r); 281-A:70.

54 Reference Changed. Amend RSA 277-B:12, III to read as follows:

III. Any client company which does business with an unlicensed employee leasing company may be fined by the commissioner up to \$1,000 per employee for each day the violation continues. Any funds collected under this section shall be deposited in the ~~[general fund as unrestricted revenue]~~ *department of labor restricted fund established in RSA 273:1-b.*

55 Reference Changed. Amend RSA 277-B:15-a, I to read as follows:

I. Employee leasing firms shall maintain a list of current and past clients which shall be available for inspection by the department of labor without notice. The list shall be submitted to the labor department on a quarterly basis. Failure to maintain an updated client list shall subject the licensee to a \$1,000 fine, and a \$2,500 fine and loss of license for a second or subsequent offense if deemed appropriate by the commissioner. Funds generated from fines shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

56 Reference Changed. Amend RSA 281-A:5-d, III to read as follows:

III. Any client company which knowingly does business with an unlicensed third party administrator may, after written notification, be fined up to \$1,000 per day for each day the violation continues. Any funds collected under this section shall be deposited in the ~~[general fund as unrestricted revenue]~~ **department of labor restricted fund established in RSA 273:1-b.**

57 Reference Changed. Amend RSA 281-A:43, II to read as follows:

II. A decision of the commissioner, the commissioner's authorized representative, or the board shall take effect and shall become final, in the absence of an appeal from it, 30 days from the date of the decision. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner or the board, shall begin or continue as soon as possible, but no later than 5 working days after the decision's effective date, and shall not be terminated except in accordance with the terms of the decision or of a final court determination. If the commissioner determines that the employer or carrier has failed to comply with any order, then the commissioner may assess a penalty not to exceed \$100 for each day of noncompliance, beginning on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b** any penalty collected under this section.

58 Reference Changed. Amend RSA 281-A:53, I to read as follows:

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending beyond 3 days, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than 7 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails without sufficient cause as determined by the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of up to \$2,500. If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county

of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b.**

59 Reference Added. Amend RSA 275:57, IV to read as follows:

IV. An employer who willfully violates the provisions of this section may be assessed interest and a civil penalty of up to \$1,000 per violation, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.**

60 Reference Added. Amend RSA 276-A:7-a to read as follows:

276-A:7-a Civil Penalties. In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed \$2,500 for each violation of any provision of this chapter or rule adopted pursuant to this chapter, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.** In assessing this penalty, the commissioner shall consider the nature of the violation, the employer's history of violations, and the employer's good faith.

61 Reference Changed. Amend RSA 281-A:42, III to read as follows:

III. Upon failure of any insurance carrier or self-insurer to comply with either an order for payment of compensation or an assessment of a civil penalty, the commissioner shall recover either or both in a civil action in the superior court of the county of jurisdiction. Anyone owing a civil penalty under this section shall pay it to the commissioner, who shall deposit it ~~[with the state treasurer]~~ **into the department of labor restricted fund established in RSA 273:1-b.**

62 Reference Added. Amend RSA 281-A:23-a, VI(b) to read as follows:

(b) If the commissioner determines that a managed care program has failed to comply with the provisions of this section or the rules adopted to implement such section, but that such failure does not warrant withdrawal of approval of the program, the commissioner may, after notice to the managed care program and hearing, assess a civil penalty of not more than \$100 for each such failure, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.** If a managed care program fails to pay such penalty, the commissioner shall recover the penalty in a civil action in the superior court of the county of jurisdiction.

63 Reference Added. Amend RSA 281-A:30, VII to read as follows:

VII. A carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.**

64 Reference Added. Amend RSA 281-A:55, V to read as follows:

V. An insurance carrier or self-insurer failing without sufficient cause to make payment under this section within the period specified by the commissioner shall be assessed a civil penalty of \$100 for each day that the payment is overdue, **which shall be deposited into the department of labor restricted fund established in RSA 273:1-b.**

65 Guardian Ad Litem Fees. Amend RSA 461-A:16, IV to read as follows:

IV. The fees for services for the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount as the court may determine. ~~[Where the parties are indigent, compensation for guardians ad litem and others utilized by the guardian and approved by the court shall be based upon the applicable fee schedule established by the supreme court for indigent defense counsel.]~~

66 Liability for Expenses. RSA 461-A:17 is repealed and reenacted to read as follows:

461-A:17 Guardians Ad Litem and Mediators; Liability for Expenses. The judicial council shall have no responsibility for the payment of the costs of a mediator or guardian ad litem for any party under this chapter.

67 Judicial Council; Appropriation for Marital Services for Indigent Parents.

I. The sum of \$240,000 is hereby appropriated to the judicial council for the fiscal year ending June 30, 2011, for the purposes of covering costs associated with marital services provided to indigent parents for the fiscal year ending June 30, 2011. Said appropriation shall not lapse until June 30, 2012. The governor is hereby authorized to draw a warrant for said sum from the special fund for mediator and guardian ad litem services established pursuant to RSA 461-A:17.

II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal committee of the general court.

68 Repeal. RSA 6:12, I(b)(81), relative to the special fund for mediator and guardian ad litem services, is repealed.

69 Mediation of Cases Involving Children; Payment of Mediator Fees by Indigent Parties. Amend RSA 461-A:7, X to read as follows:

X. In the event both parties are indigent, the mediator shall be paid a set fee for his or her services. The amount of the fee shall be set annually by supreme court rule. The court may order each party to pay a proportional amount of said fee. The fee shall be paid from the ~~[special fund established pursuant to RSA 461-A:17]~~ **mediation and arbitration fund established in RSA 490-E:4** and repaid by the parties in accordance with RSA 461-A:18, **including fees for pre-suit marital mediation authorized pursuant to RSA 490-E:2, V. The supreme court shall determine by rule a percentage amount of the entry fee paid to each clerk of court for each petition in domestic relations cases to be deposited into the mediation and arbitration fund to be used to pay for mediation where both parties are indigent. At no time shall the percentage amount exceed 25 percent of the entry fee for each petition.**

70 Repayment of Mediator and Guardian Ad Litem Fees. Amend RSA 461-A:18, I to read as follows:

I. In any case where a mediator has been appointed pursuant to RSA 461-A:7 or a guardian ad litem has been appointed pursuant to RSA 461-A:16 and the responsible party's proportional share of the expense ~~[is] was~~ ordered to be paid by the judicial council from the ~~prior~~ special fund established pursuant to RSA 461-A:17 **or is ordered to be paid by the judicial branch from the mediation and arbitration fund pursuant to RSA 490-E:4**, the party shall be ordered by the court to repay the state through the unit of cost containment, office of administrative services, the fees and expenses paid on the party's behalf as the court may order consistent with the party's ability to pay, such ability to be determined by the unit of cost containment.

71 Mediation and Arbitration Fund. Amend RSA 490-E:4, I(a) to read as follows:

(a) All moneys collected pursuant to **RSA 461-A:7, X**, RSA 490:27, II, RSA 490-D:12, III, RSA 503:4, II, and RSA 502-A:28, III.

72 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

(f) ~~[Notwithstanding any provision of law to the contrary,]~~ **Neither** the department **nor the judicial council** shall have ~~[no responsibility]~~ **authority** for the payment of the cost of assigned counsel for any party under this chapter.

73 Judicial Council; Supplemental Appropriation; Counsel for Indigent Parents in Abuse and Neglect Cases.

I. In addition to any other sums appropriated to the judicial council, the sum of \$250,000 is hereby appropriated to the judicial council for the fiscal year ending June 30, 2011, for the purpose of covering costs associated with payment of counsel for indigent parents in abuse and neglect cases filed in the fiscal year ending June 30, 2011 and pending in the fiscal year ending June 30, 2012. Said appropriation shall not lapse until June 30, 2012. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Beginning October 1, 2011 through October 1, 2012, the judicial council shall provide a quarterly report on the use and expenditure of the appropriation in paragraph I to the fiscal committee of the general court.

74 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. ~~[In cases involving a neglected or abused child, when an attorney is appointed to represent a parent determined to be indigent pursuant to RSA 169-C:10, II, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter.]~~

75 Child Protection Act; Guardians Ad Litem. Amend RSA 169-C:10, I to read as follows:

I. In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a ~~[guardian ad litem or]~~ Court Appointed Special Advocate (CASA) **or other approved program** guardian ad litem for the child. ***If a CASA or other approved program guardian ad litem is unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as the guardian ad litem for the child.*** The court shall not appoint an attorney for any guardian ad litem appointed for the child~~[-but may appoint an attorney or any other qualified individual as the guardian ad litem for the child]~~. The CASA **or other approved program** guardian ad litem shall have the same authority and access to information as any other guardian ad litem. ***For purposes of this paragraph, "unavailable for appointment" means that there is no CASA or other approved program guardian ad litem available for appointment by the court following a finding of reasonable cause at the preliminary hearing held under RSA 169-C:15 so that the child's interests may effectively be represented in preparation for and at an adjudicatory hearing.***

76 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

(a) Appoint a ***CASA or other approved program guardian ad litem*** or an attorney ***or other qualified guardian ad litem*** to represent the child pursuant to RSA 169-C:10.

77 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as follows:

(a) In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the recommendation for

dispositional orders of the guardian ad litem, the court may appoint an attorney to represent the interests of the child. ~~[In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interests. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.]~~

78 Termination of Parental Rights. Amend RSA 170-C:13 to read as follows:

170-C:13 Fees and Court Costs.

I. The petitioner shall pay all entry fees and court costs including costs of giving notice, ***costs of*** advertising, and court-appointed guardian ad litem fees ~~[shall be paid by the petitioner]~~. The court, however, may waive entry fees and court costs where payment would work a hardship on the petitioner. Where the court waives payment by the petitioner, the state, through the court system, shall pay court costs ~~[and the fee of any court appointed guardian ad litem]~~. ***The judicial council shall pay the cost of a CASA guardian ad litem appointed for the child or other guardian ad litem in cases arising from an underlying abuse and neglect proceeding when the state is the moving party or in cases where payment would work a hardship on the petitioner.***

II. The department of health and human services is exempted from paying any entry fees and court costs.

III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for a parent determined to be financially unable to employ counsel, the court shall use a financial eligibility guideline established by the office of cost containment to determine if the party is indigent. Upon determination that the party is indigent, the court may appoint counsel, subject to an order of repayment through the office of cost containment. The judicial council shall bear no financial responsibility for the payment of appointed attorney costs in such cases where the state is not the moving party for the termination of parental rights. The court shall pay for the appointment of counsel for an indigent parent made in accordance with the financial eligibility guideline established by the office of cost containment.

79 Parental Rights and Responsibilities; Non-Certified Guardians Ad Litem. Amend the introductory paragraph of RSA 461-A:16, VI to read as follows:

VI. The supreme court shall provide the following relative to ***non-certified*** guardians ad litem appointed pursuant to this section:

80 Sale of Property. Notwithstanding RSA 10 and RSA 4:40, the commissioner of the department of administrative services shall offer for sale to the city of Laconia the former Laconia state school property and the former Laconia state school and training center property, except those portions of the properties required for state use, for not less than \$10,000,000. If the city does not accept the offer by July 1, 2012, such property shall be offered for sale to Belknap county at the fair market value. If the county does not accept the offer by August 15, 2012, the commissioner of the department of administrative services shall issue a request for proposals for the sale of the lakes region facility property in Laconia at no less than the fair market value, such sale to be com-

pleted no later than May 1, 2013. The commissioner of the department of administrative services shall submit quarterly reports on the progress of the sale to the fiscal committee of the general court. Any sale of such property shall be subject to the requirements of RSA 4:40, except that review and approval of the sale of the property by the council on resources and development and the long range capital planning and utilization committee shall not be required. All proceeds from the sale shall be deposited into the revenue stabilization reserve account established in RSA 9:13-e.

81 State Institutions; Governor and Council. Amend RSA 10:1 to read as follows:

10:1 Governor and Council. The ultimate executive authority over the New Hampshire hospital, formerly the state hospital; ~~[Laconia developmental services, formerly the Laconia state school and the Laconia state school and training center,]~~ the New Hampshire youth development center, formerly the industrial school; and the Glencliff home, formerly the state sanatorium, including all real and personal estate used in connection therewith, the purchase of materials and supplies for said institutions and the departments of state, as hereinafter provided, is vested in the governor and council.

82 Department of Administrative Services; Appropriation. Amend 2010S, 1:96 to read as follows:

1:96 Appropriation; Department of Administrative Services. The sum of \$250,000 is hereby appropriated to the department of administrative services for the biennium ending June 30, 2011[;]. ***Said funds shall be used to undertake any required title, subdivision, and other land preparation needed for the sale of the former Laconia state school property and the former Laconia state school and training center property, and for the purpose of employing a consultant with real estate or financial expertise in preparation of the request for proposals for the sale of said property. Any remaining balance may be used by the commissioner of the department for the purpose of retaining independent real estate and financial expertise [for the commissioner's work under RSA 21-I:87-RSA 21-I:91] for the sale of other state properties and assets.*** The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. ***Such funds shall not lapse until June 30, 2013.***

83 Department of Administrative Services; Suspension of Bumping Rights. The displacement of classified state employees by more senior classified state employees, or so-called bumping, pursuant to administrative rule Per 1101.02(i) through (l) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2013.

84 Department of Administrative Services; Consolidation of Human Resources.

I. Notwithstanding any law or administrative rule to the contrary, the commissioner of administrative services, with the prior approval of the fiscal committee of the general court and the governor and council, is authorized to make such transfers of appropriation items and changes in allocations of funds available for operational purposes to the department of administrative services, from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of human resource and payroll functions within state government.

II. The commissioner of administrative services is authorized to establish the number and classification of personnel required for human resource and payroll management in state government and, with the prior

approval of the governor and council, is authorized to eliminate unnecessary positions and to transfer to the department of administrative services any position in another agency identified by the commissioner of administrative services as necessary to effectuate the efficient consolidation of human resource and payroll functions within state government. Such transfers shall include the transfer of all associated books, papers, records, personnel files, and equipment, including but not limited to work station and information technology equipment, and shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel. All commissioners and department heads shall cooperate with the commissioner of administrative services to accomplish the intent of this section.

III. The commissioner of administrative services may locate personnel whose positions have been transferred in such work spaces as the commissioner determines will efficiently effectuate the consolidation of human resource and payroll functions. Such work spaces may include either space currently owned or rented by the state, or space which may be rented by the commissioner utilizing amounts which may be saved by the state as the result of the consolidation of human resources and payroll functions.

IV. The consolidation of human resource and payroll functions shall achieve a savings in the fiscal year ending on June 30, 2013 of no less than \$1,428,000 in total funds and \$571,200 in general funds.

85 Department of Administrative Services; Consolidation of Certain Business Processing Functions.

I. The commissioner of administrative services, with the prior approval of the fiscal committee of the general court and the governor and council, is authorized to make such transfers of appropriation items and changes in allocations of funds available for operational purposes to the department of administrative services, from any other agency, as may be necessary or desirable to effectuate the efficient consolidation of business processing functions within state government. Such business processing functions shall include (i) accounts receivable, (ii) accounts payable, (iii) collection of fines, penalties, fees, restitution, remittances, and other moneys due to the state, and (iv) such other finance and accounting functions and transactions the commissioner of administrative services determines would achieve substantial efficiencies from consolidation.

II. The commissioner of administrative services is authorized to issue a request for proposals or purchases in accordance with RSA 21-I:22 and RSA 21-I:22-a for the services and assistance of a qualified consultant to evaluate and identify opportunities for business processing consolidation in state government and to make recommendations, including for a proposed implementation plan, for consolidation of such functions.

III. The commissioner of administrative services is authorized to establish the number of total personnel required for business processing functions in the executive branch of state government and, with the prior approval of the governor and council, is authorized to eliminate unnecessary positions and to transfer to the department of administrative services any position in another agency identified by the commissioner of administrative services as necessary or desirable to effectuate the efficient consolidation of business processing functions within state government. Such transfers shall include the transfer of all associated books, papers, records, personnel files, and equipment, including but not limited to work station and information technology equipment, and

shall include the transfer of any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel.

IV. The commissioner of administrative services may locate personnel whose positions have been transferred in such work spaces as the commissioner determines will efficiently effectuate the consolidation of business functions. Such work spaces may include either space currently owned or rented by the state, or space which may be rented by the commissioner utilizing amounts which may be saved by the state as the result of the consolidation of human resources and payroll functions.

V. The consolidation of business processing functions shall achieve a savings in the fiscal year ending on June 30, 2012 of no less than \$352,000 in total funds and \$88,000 in general funds, and savings in the fiscal year ending on June 30, 2013 of \$1,000,000 in total funds and \$250,000 in general funds.

86 Appropriation; Department of Administrative Services. The sum of \$250,000 is hereby appropriated to the department of administrative services for the biennium ending June 30, 2013, for the purpose of selecting and retaining an independent business processing consultant, through a request for proposals or purchases process, for evaluating and making recommendations relative to the consolidation of business processing functions within state government. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

87 Sweepstakes Fund. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission and all moneys received from the racing and charitable gaming commission under *RSA 284*, *RSA 287-D*, and *RSA 287-E*, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of the racing and charitable gaming commission under *RSA 284*, *RSA 287-D*, and *RSA 287-E*. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under *RSA 198:39*.

88 McAuliffe-Shepard Discovery Center; Appropriation.

I. The sum of \$227,000 is hereby appropriated for the fiscal year ending June 30, 2013 to the McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery center to a fiscally self-sufficient entity. This sum shall be in addition to any revenue or grants that may become available to the discovery center. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

II. The discovery center shall, no later than December 15, 2011, report to the fiscal committee of the general court and the governor and council detailing the discovery center's plan to maintain its operations in fiscal year 2013 as a state agency utilizing no more than the general funds appropriated under this section, or its plan to become a self-sufficient not-for-profit organization no later than January 1, 2013.

89 Lottery Commission; Incentive Program. The lottery commission may develop and implement an employee recognition program for monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance and funded from an existing lottery budget line item. The incentive program shall be implemented

through rules adopted by the lottery commission in accordance with RSA 541-A. The lottery commission shall report quarterly to the fiscal committee of the general court on the status of the incentive program.

90 Lottery Retailer Commissions. Amend the introductory paragraph of RSA 284:21-h, II(d) to read as follows:

(d) May be sold by or for the lottery commission at designated locations, other than grounds and campuses of public and private schools, colleges, and universities, by persons, whether natural, associate, or corporate, authorized to sell such tickets on a [minimum] 5 percent commission basis for services rendered. The commission [~~may establish higher sales~~] **shall pay a 10 percent** commission [~~rates no greater than 6 percent and other sales incentives deemed necessary to increase lottery sales~~] **on those sales made during a fiscal year which exceed the sales made during the previous fiscal year. The lottery commission shall report quarterly to the fiscal committee of the general court on commissions paid under this subparagraph.** All sales shall be subject to the rules and regulations of the commission provided:

91 Liquor Commission; Employee Incentive Program. The liquor commission may develop and implement an employee incentive system for monetary incentives for its store managers and employees to reward superior customer service, organization and appearance of retail stores, creativity and attractiveness of displays, workplace safety records, and other relevant and objective criteria related to customer service and sales. The liquor commission shall report quarterly to the fiscal committee of the general court on the status of the incentive program. The incentive program shall be implemented through rules adopted by the commission in accordance with RSA 541-A.

92 New Section; Temporary State Liquor Stores. Amend RSA 177 by inserting after section 1 the following new section:

177:1-a Temporary State Stores. The commission may lease, rent, and equip, in the name of the state, stores or space in buildings such as airports or shopping malls and in large venues such as racetracks, temporary stores for the sale or promotion of liquor or related products as are necessary to carry out the provisions of this chapter, except that no such store shall be operated within 200 feet of any public or private school, church, chapel, or parish house. The liquor commission shall report quarterly to the fiscal committee of the general court on the status of temporary stores.

93 Liquor Commission; Liquor Revenues to Alcohol Abuse Prevention and Treatment Fund Suspended. Notwithstanding RSA 176:16, III, for the biennium ending June 30, 2013, all gross revenue derived by the liquor commission from the sale of liquor and related products, or from license fees, shall be deposited into the liquor commission fund.

94 Department of Environmental Services; Water Quality Laboratory Services; Transfer of Functions, Positions, Equipment, Records, and Accounts; Rules Continued.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the water quality laboratory authorized by RSA 21-O:12 shall be transferred to the department of health and human services on July 1, 2011. The transfer provided in this section shall include all of the equipment, books, papers, and records of the water quality laboratory.

II. All existing rules, statutory responsibilities, regulations, and procedures relating to enforcement in effect, in operation, or adopted in or by the water quality laboratory are transferred to the department

of health and human services, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

95 Department of Health and Human Services; Laboratory Services. Amend the introductory paragraph of RSA 131:3-a to read as follows:

131:3-a Fee Required. Notwithstanding the provisions of RSA 131:4, the commissioner of ~~[environmental services]~~ **the department of health and human services** shall collect a fee for analyses made pursuant to RSA 131:3 on the following schedule:

96 Department of Health and Human Services. Amend RSA 131:3-a, II to read as follows:

II. All such fees collected by the commissioner of ~~[environmental services]~~ **the department of health and human services** from federal or state grants or from other state agencies shall be credited against the operating costs of the laboratory. Fees collected from public or private clients shall be deposited with the state treasurer as unrestricted revenue, with the exception that 50 percent of every analysis fee shall be deposited with the state treasurer and reserved in a special nonlapsing fund to be used by the commissioner of ~~[environmental services]~~ **the department of health and human services** for the purchase of replacement or new laboratory equipment designed to improve service. The commissioner may, with prior approval of the governor and council, use funds in the nonlapsing account for unanticipated personnel or supply expenditures made necessary by unexpected changes in or additions to federal or state required laboratory analyses, or unusual volume of samples.

97 Repeal. RSA 125:15-b, relative to access to laboratory data and results, is repealed.

98 Office of the Commissioner of Environmental Services; Reference Deleted. Amend RSA 21-O:12, VI to read as follows:

VI. Laboratory services shall include such expert assistants and such facilities as are necessary to support the investigatory, analytical, and enforcement functions of the department of environmental services. The commissioner shall provide the commissioner of the department of health and human services with direct access to all raw data, test results, and other information and samples received or generated by the laboratories in the department deemed necessary by the commissioner of the department of health and human services in order to carry out his **or her** responsibilities to protect the public health. ~~[The commissioner shall consult with the commissioner of the department of health and human services relative to such access as provided by RSA 125:15-b.]~~

99 Joint Board of Licensure and Certification; Accountants, Real Estate Appraisers, Manufactured Housing Installers, and Board of Manufactured Housing Added. Amend RSA 310-A:1, as follows:

310-A:1 Joint Board Established. There shall be a joint board of licensure and certification for professional engineers, architects, land surveyors, foresters, professional geologists, natural scientists, landscape architects, court reporters, ~~[and]~~ home inspectors, **accountants, manufactured housing installers, and real estate appraisers, and the board of manufactured housing**, consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, board of professional geologists, the board of natural scientists, the board of landscape architects, the board of court reporters, ~~[and]~~ the board of home inspectors, **the board of accountancy, the real estate appraiser board, the manu-**

factured housing installation standards board, and the board of manufactured housing. ~~[The joint board shall meet at least quarterly to carry out its duties established under this chapter.]~~

100 Repeal. The following are repealed:

I. RSA 205-D:1, V, relative to the definition of department.

II. RSA 205-D:2, VI, relative to establishing the board as a unit in the department of safety.

III. RSA 205-D:12, II, relative to initial fees established by the department of safety.

101 New Section; Manufactured Housing Installation Standards. Amend RSA 205-D by inserting after section 3 the following new section:

205-D:3-a Administrative Functions. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

102 Manufactured Housing Installation Standards; Federal Funds. Amend RSA 205-D:19 to read as follows:

205-D:19 Federal Funds and Other Funding Sources. The board may seek and receive funds from the federal government and other public or private sources to further activities under this chapter~~[-, subject to the approval of the commissioner]~~.

103 Manufactured Housing Installation Standards; Rulemaking. Amend the introductory paragraph of RSA 205-D:20 to read as follows:

205-D:20 Rulemaking Authority. ~~[With the approval of the commissioner;]~~ The board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to:

104 New Section; Manufactured Housing Board; Administrative Functions Transferred to Joint Board. Amend RSA 205-A by inserting after section 29 the following new section:

205-A:29-a Administrative and Business Processing Functions. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

105 New Paragraph; Board of Accountancy; Administrative Functions Transferred to Joint Board. Amend RSA 309-B:4 by inserting after paragraph IX the following new paragraph:

X. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

106 New Paragraph; Real Estate Appraisers Board; Administrative Functions Transferred to Joint Board. Amend RSA 310-B:4 by inserting after paragraph IX the following new paragraph:

X. All administrative, clerical, and business processing functions of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-A:1, on July 1, 2011.

107 Commissions and Boards; Functioning within Department of State. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission~~[-, the board of accountancy]~~ and the joint board of licensure and certification shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

108 Repeal. RSA 5:13-b, relative to the attachment of the real estate appraiser board to the department of state, is repealed.

109 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspension of Allocation to Department of Safety. For the biennium ending June 30, 2013, RSA 9:9-b, II, relative to the highway fund allocation to the department of safety, shall be suspended.

110 Duties of the Office of Energy and Planning. Amend RSA 4-C:1, II(g)-(i) to read as follows:

(g) Participate and advise in matters of land use planning regarding ~~[lakes and rivers management programs]~~ **water resources and floodplain management.**

(h) Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.

(i) Administer the following programs: the statewide comprehensive outdoor recreation plan, the national flood insurance program, the land conservation investment program, ~~[the scenic and cultural byways system,]~~ fuel assistance contracts, and weatherization contracts. The office shall employ necessary personnel to administer these programs. In administering fuel assistance and weatherization contracts, the office shall ensure that when an individual applies for fuel assistance or weatherization, the individual shall be provided with application forms and information about the Link-Up New Hampshire and Lifeline Telephone Assistance programs, and shall be provided assistance in applying for these programs.

111 Office of Energy and Planning. Amend RSA 4-C:2, I, to read as follows:

I. The office of energy and planning, under the direction of the governor, shall:

(a) Assist the governor in preparing, publishing, and revising the comprehensive development plan required under RSA 9-A.

~~(b) [Develop and maintain a technical data base of information to support statewide policy development and planning.]~~

(c) Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.

~~(d)~~ (c) Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent, to the extent practical, with the policies and priorities established in the state development plan.

112 Repeal. RSA 4-C:4, relative to the coordination of federal funds in the office of energy and planning, is repealed.

113 Old Age and Survivors Insurance; Reference Change. Amend RSA 101:2, IV to read as follows:

IV. The term "state agency" means the commissioner of health and human services and any person to which the commissioner has delegated any functions under this chapter, or any other agency duly designated to administer the provisions of this chapter by the governor and council in accordance with RSA 124:4 ~~[and RSA 4-C:4];~~

114 Office of Energy and Planning; Rulemaking. Amend RSA 4-C:5 to read as follows:

4-C:5 Rulemaking Authority. The director of the office of energy and planning shall adopt rules, **as necessary**, under RSA 541-A[:]

[-], establishing procedures for grant programs administered by the office. These rules shall be adopted for all ~~[federal or]~~ state grant programs administered by the office in which the office has authority to establish requirements or procedures or interpret ~~[federal requirements and]~~ state statutes. These rules shall include, as appropriate:

- [(a)] **I.** Application or grant distribution procedures.
- [(b)] **II.** Criteria and procedures for evaluating applications.
- [(c)] **III.** Procedures for administration of funds by grantees.
- [(d)] **IV.** Monitoring and report procedures.
- [(e)] **V.** Appeal procedures for parties dissatisfied with grant decisions.

[**H.** As provided by RSA 4-C:16, I(a).]

115 Repeal. The following are repealed:

I. RSA 4-C:5-a, relative to model ordinances.

II. RSA 4-C:6-a, relative to reports on economic development loans and grants.

116 Review of Reports by Department of Resources and Economic Development; Reference Change. Amend RSA 12-A:34 to read as follows:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under ~~[RSA 4-C:6-a,]~~ RSA 12-A:33, and RSA 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

117 Repeal. The following are repealed:

I. RSA 4-C:19-23, relative to the water protection assistance program.

II. RSA 485-C:3, III, relative to cooperation between the department of environmental services and the office of state planning in implementing the water protection assistance program.

III. RSA 21-O:3, IX, relative to the office of state planning's role in the water protection assistance program.

118 Local Land Use; Master Plan. Amend RSA 674:2, III(d) to read as follows:

(d) A natural resources section which identifies and inventories any critical or sensitive areas or resources, not only those in the local community, but also those shared with abutting communities. This section provides a factual basis for any land development regulations that may be enacted to protect natural areas. A key component in preparing this section is to identify any conflicts between other elements of the master plan and natural resources, as well as conflicts with plans of abutting communities. ~~[The natural resources section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22.]~~

119 Repeal. RSA 4-C:24-28 and RSA 4-C:30, relative to housing and conservation planning, are repealed.

120 Repeal. RSA 125-G, relative to the high-level radioactive waste act, is repealed.

121 Land Use Boards; Training. Amend RSA 673:3-a to read as follows:

673:3-a Training. Within ~~[6 months]~~ **the first year** of assuming office, ~~[for the first time, any non-ex-officio]~~ **a new** member of ~~[the]~~ **a** zoning board of adjustment ~~[and the]~~ **or** planning board may ~~[at the member's option]~~ complete ~~[at least 6 hours of]~~ training ~~[for the member's respective position. The training shall be designed and furnished]~~ **offered** by the office of energy and planning. **The office of energy and planning may provide this training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, traditional classroom style, or self study.**

122 Zoning Ordinances; Place for Filing Documents and Reporting Amendments. RSA 675:9 is repealed and reenacted to read as follows:

675:9 Place for Filing Documents; Reporting of Adoptions or Amendments. A copy of each master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code, subdivision regulation, historic district regulation, site plan review regulation or amendment which is adopted by a municipality shall be placed in a central file with the office of energy and planning; provided, however, that failure to file these documents or amendments with the office of energy and planning shall not affect the validity of the document. Every municipality which adopts a master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code, subdivision regulation or site plan review regulation or amendment thereto, shall inform the office of energy and planning of such adoption or amendment. The office of energy and planning is hereby authorized to gather this information by way of an annual survey of the municipalities or other such means as may be deemed appropriate. The office of energy and planning shall periodically create lists and reports of the information gathered for use by the municipalities and the general public.

123 New Paragraph; UNIQUE Endowment Allocation Program. Amend RSA 195-H:4 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding RSA 6:12, I(b)(115), for the biennium ending June 30, 2013, annual administrative fees, less any annual administrative costs that are generated from the New Hampshire college tuition savings plan, less \$500,000 per year which shall be distributed to private New Hampshire colleges and universities under the UNIQUE endowment allocation program established in administrative rule Csp 701-703, shall be allocated in the following manner: 70 percent of such total shall be paid annually prior to the end of each state fiscal year to the university system of New Hampshire and 30 percent of such total shall be paid annually prior to the end of each state fiscal year to the community college system of New Hampshire.

124 New Hampshire Excellence in Higher Education Endowment Trust Fund. Notwithstanding RSA 6:12, I(b)(115), the balance of the New Hampshire excellence in higher education endowment trust fund established pursuant to RSA 6:38, as of June 30, 2011 shall be transferred as follows: 70 percent of such fund balance, less \$3,000,000, shall be paid to the university system of New Hampshire and 30 percent of such fund balance shall be paid to the community college system of New Hampshire. Interest accrued on the \$3,000,000 shall be used to fund scholarships to New Hampshire students at private New Hampshire colleges and universities. The fund balance transfers to the university system of New Hampshire and to the community college system of New Hampshire shall be paid no later than July 30, 2011.

125 Repeals. The following are repealed:

I. RSA 6:12, I(b)(140), relative to moneys deposited in the forgivable loan fund and the loan repayment fund in the workforce incentive program under RSA 188-D:18-f through RSA 188-D:18-h.

II. RSA 6:12, I(b)(241), relative to moneys deposited by the postsecondary education commission in the essential functions fund established under RSA 188-D:8, IX.

III. RSA 6:12, I(b)(243), relative to moneys used for the New Hampshire incentive program established in RSA 188-D:10.

IV. RSA 6:12, I(b)(244), relative to moneys used for the leveraged incentive grant program established in RSA 188-D:33.

V. RSA 6:12, I(b)(245), relative to moneys used for the granite state scholars program established in RSA 188-D:36.

VI. RSA 6:12, I(b)(247), relative to moneys used for the veterinary/medical/optometric education program established in RSA 200-J.

VII. RSA 6:12, I(b)(270), relative to the large animal veterinarian net tuition repayment fund established in RSA 200-J:7.

VIII. RSA 6:12-d, II(k), relative to the surety indemnification accounts of the postsecondary education commission.

IX. RSA 188-D, relative to the postsecondary education commission.

X. RSA 200-J, relative to the veterinary/medical/optometric education program.

126 New Section; Department of Education; Division of Higher Education. Amend RSA 21-N by inserting after section 8 the following new section:

21-N:8-a Division of Higher Education.

I. There is hereby established within the department the division of higher education, under the supervision of an unclassified director of higher education who shall be responsible for the following functions, in accordance with applicable laws:

(a) Provide support to the higher education commission established in paragraph II in furtherance of its duties.

(b) Facilitate and secure for the students and higher education institutions of this state all benefits provided by Congress in federal law.

(c) Apply for, accept, and expend federal grants.

(d) Establish and collect reasonable fees related to the performance of statutory duties.

(e) Perform the functions of the veterans' State Approving Agency for the purpose of administering veterans education and job training programs as authorized by Congress.

(f) Administer scholarships for orphans of veterans program pursuant to RSA 193:19-21.

(g) Administer scholarships under the New England higher education compact pursuant to RSA 200-A.

(h) Administer the tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.

(i) Administer the tuition waiver program for foster children established in RSA 187-A:20-b.

(j) Administer the Paul Douglas scholarship program.

(k) Administer the College Access Challenge grant.

(l) Administer the CART Provider and Sign Language Interpreter Net Tuition program.

(m) Assume other responsibilities as may be provided in state or federal law.

II.(a) There is hereby established a higher education commission which shall consist of the following members:

(1) The president of the university of New Hampshire; the president of Keene state college; the president of Plymouth state university; the chancellor of the university system of New Hampshire; a president of one of the institutions of the community college system of New Hampshire, to be chosen by the board of trustees of the community college system.

(2) Two members to be appointed by the trustees of the university system of New Hampshire, one of whom shall be a full-time undergraduate student who is a resident of the state, and whose term shall expire upon graduation or when the member is no longer a full-time student.

(3) The commissioner of the department of education and the chancellor of the community college system of New Hampshire.

(4) One full-time student to be appointed by the board of trustees of the community college system of New Hampshire who shall be a representative of the community college system of New Hampshire who shall be a resident of the state and whose term shall expire upon graduation or when the member is no longer a full-time student.

(5) Six representatives of the private 4-year colleges in New Hampshire appointed by the governor and council on recommendation by the New Hampshire College and University Council, with no more than one representative from any one college.

(6) One full-time undergraduate student of a private 4-year college in the state of New Hampshire, to be appointed by the governor and council on recommendation by the New Hampshire College and University Council, who shall be a resident of New Hampshire and whose term shall expire upon graduation or change of status from a full-time student.

(7) One member to be appointed by the governor and council as a representative from a for-profit college or university not a member of the New Hampshire College and University Council.

(8) Four members to be appointed by the governor and council who shall be residents of the state and of the lay public, having no official connection with any college, university, or private postsecondary career school as an employee, trustee or member on a board of directors.

(9) One member to be appointed by the governor and council on recommendation by the New Hampshire Council for Professional Education, who shall be a resident of the state and a representative of a private postsecondary career school.

(b) The terms of appointed members, except as indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

(c) Commission appointments shall be made in such a way as to preserve broad and equitable representation on the basis of gender, ethnicity, and socioeconomic groups in the state.

(d) The members of the commission, except the ex-officio members, shall serve without compensation, but may be reimbursed for actual travel and other expenses incurred in the performance of their duties on the commission from funds appropriated to the department of education specifically for this purpose.

(e) The commission shall:

(1) Regulate institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk. The commission may accept accreditation by a recognized accrediting association in place of its own evaluation.

(2) Administer financial aid programs as provided in state law for students attending higher education institutions who have been residents of New Hampshire for at least 12 consecutive months prior to the date of enrollment.

(3) Regulate private postsecondary career schools pursuant to RSA 188-G.

(4) Establish and collect reasonable fees related to the performance of statutory duties.

(5) Participate in, and administer for the state of New Hampshire, the integrated postsecondary education data system as developed by the United States Department of Education, Institute of Education Sciences.

(6) Adopt rules, pursuant to RSA 541-A relative to:

(A) Organization and operation of the higher education commission established in RSA 21-N:8-a, II.

(B) Approval and regulation of institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk.

(C) Licensing of private postsecondary career schools pursuant to RSA 188-G.

(D) Administration of financial aid programs for institutions of higher education.

(E) Establishment and collection of reasonable fees for functions performed by the division of higher education established in RSA 21-N:8-a.

127 New Paragraph; Department of Education; Rulemaking. Amend RSA 21-N:9 by inserting after paragraph II the following new paragraph:

III. The department of education shall adopt rules, pursuant to RSA 541-A relative to:

(a) Administration of the tuition waiver and scholarship program for children of firefighters and police officers established in RSA 187-A:20-a.

(b) Administration of the tuition waiver program for foster children established in RSA 187-A:20-b.

128 Compensation of Certain State Officers. Amend RSA 94:1-a, I(b) by deleting:

~~EE [Postsecondary education
commission]~~

[executive] director,

~~**Department of Education**~~

division of higher education

129 Branches or Extension Courses in This State. Amend RSA 186:13-b to read as follows:

186:13-b Branches or Extension Courses in This State. Any out-of-state institution of higher learning planning to establish a branch, branches, or extension courses, in this state, shall apply to the ~~[postsecondary education commission]~~ **the higher education commission** for an evaluation of its plans. Plans for each such branch, branches, or extension courses shall thereupon be evaluated, and, if approved, the branch, branches, or extension courses shall thereupon be accredited for such period and under such regulations as ~~[said commission]~~ **the commission** may determine. If a branch, or branches, or program of extension courses are disapproved at any time by ~~[said commission]~~ **the commission** all operations and publicity of it shall cease without delay.

130 State College and University System; Tuition Waiver and Room and Board Scholarships. Amend RSA 187-A:20-a to read as follows:

187-A:20-a Tuition Waived for Children of Certain Firefighters and Police Officers; Room and Board Scholarships.

I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls in a program leading to a certificate, associate, or bachelor degree at any public postsecondary institution within the state, approved by the ~~[postsecondary education commission pursuant to RSA 188-B]~~ **department of education, division of higher education**, shall not be required to pay tuition for attendance at such institution if he or she is the child of a firefighter or police officer who died while in performance of his or her duties, and whose death was found to be compensable pursuant to RSA 281-A.

II.(a) Any person entitled to a waiver of tuition under this section may apply for a room and board scholarship while attending the institution, to the extent of available funds. Applications for a room and board scholarship shall be filed annually with the ~~[postsecondary education commission]~~ **director of the division of higher education**. The ~~[commission]~~ **department of education** shall adopt rules, pursuant to RSA 541-A, relative to the development of criteria for awarding scholarships,

development of scholarship application forms, application deadlines, scholarship amounts, provisions for continuing eligibility, and other procedures necessary to administer the room and board scholarships.

(b) There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the room and board scholarship fund. The state treasurer shall invest the fund pursuant to RSA 6:8 and earnings shall be added to the fund. The fund shall be continually appropriated to the ~~[postsecondary education commission]~~ **division of higher education** for the purpose of providing room and board scholarships as provided in this section, and shall not be diverted or used for any other purpose. The ~~[commission]~~ **director of the division of higher education** may apply for and accept gifts, grants, and donations from any source to be used for the purpose of providing room and board scholarships as provided in this section.

131 New Section; State College and University System; Tuition Waivers for Foster Children. Amend RSA 187-A by inserting after section 20-a the following new section:

187-A:20-b Tuition Waiver for Children in State Foster Care or Guardianship.

I. An eligible individual who enrolls full-time in a program leading to a certificate, associate's, or bachelor's degree at any public postsecondary institution within the state that is approved by the department of education, division of higher education, shall not be required to pay tuition or fees for attendance at such institution.

II. In this subdivision, an eligible individual is a person who is less than 23 years of age and who is or was:

(a) In state foster care for the immediate 6-month period prior to his or her 18th birthday;

(b) In state guardianship or custody at the time of his or her 18th birthday;

(c) Adopted while in state guardianship or adopted from the care, custody, and control of the department following a surrender of parental rights; or

(d) In an out-of-home placement under the supervision of the division for juvenile justice services at the time of his or her 17th birthday.

III.(a) Eligible individuals interested in a tuition waiver shall annually apply to the division of higher education on a form provided by the division of higher education and within the deadlines established by the division of higher education. No more than 20 tuition waivers per year shall be granted. The department of education shall adopt rules, pursuant to RSA 541-A, relative to the development of eligibility criteria designed to give the children with the greatest financial need first priority in the tuition waiver program, the creation of an application form, application deadlines, and provisions for continuing eligibility which require continued full-time enrollment as provided in this section and maintaining satisfactory academic progress as defined by the institution.

(b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the division of children, youth and families shall submit a report to the health and human services oversight committee, established in RSA 126-A:13, and the house children and family law committee, or their successor committees, detailing the status of the tuition waiver program.

132 Scholarships for Orphans of Veterans. Amend RSA 193:21 to read as follows:

193:21 Payment. The amounts payable to recipients shall be determined by the ~~[postsecondary education commission]~~ **department of education**,

division of higher education. The ~~[commission]~~ **department** shall determine the eligibility in accordance with rules adopted under RSA 541-A of the children who make application for the benefits provided for in this subdivision~~[- provided that no member of the commission shall receive any compensation for such service.]~~

133 College Tuition Savings Plan; Commission Established. Amend RSA 195-H:2, I(a)(7) to read as follows:

(7) ~~[One member of the postsecondary education commission, appointed by the members of such commission]~~ **One member of the higher education commission established in RSA 21-N:8-a, II, appointed by majority vote of the members of the commission.**

134 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:3 to read as follows:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. The second resident member shall be the ~~[executive director of the postsecondary education commission]~~ **director of the division of higher education, department of education.** The third resident member shall be the chancellor of the community college system of New Hampshire. The fourth and fifth resident members shall be citizens of the state appointed by the governor and council. The sixth resident member shall be a member of the house of representatives appointed by the speaker of the house. The seventh member shall be a member of the senate appointed by the president of the senate. The eighth resident member shall be a representative of a private college in New Hampshire appointed by the governor and council. The term of office for each of the first 3 resident members shall be concurrent with his or her term as chancellor or ~~[executive director]~~ **director.** The term of office for each of the latter 5 resident members shall be for 4 years and until a successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his or her expenses actually and necessarily incurred by the member in the performance of his or her duties as a member. In addition to their expenses, the fourth, fifth, sixth, seventh, and eighth members shall receive \$15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such 5 members shall not exceed the sum of \$500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

135 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:5 and 6 to read as follows:

200-A:5 Certification to ~~[Postsecondary Education Commission]~~ **Department of Education.** The New England Board of Higher Education shall certify to the ~~[postsecondary education commission]~~ **department of education, division of higher education** on or before October 1 of the year preceding each legislative session the amounts needed to carry out the purposes of RSA 200-A:4 for the coming biennium. Upon such certifi-

cation, the ~~[postsecondary education commission]~~ **division** shall include such amounts in the budget request for its ~~[department]~~ **division**. The sums appropriated by the legislature in accordance with the provisions of this subdivision shall be a continuing appropriation and shall not lapse.

200-A:6 Payments From Funds. The amount that may be or may become due to any college, university, or institution shall be payable by the state treasurer to such institution from funds appropriated for carrying out the purposes hereof upon certification by the New England Board of Higher Education. Said board, before approving such vouchers, shall satisfy itself that such student would be unable to receive the course of instruction at any institution of public education in New Hampshire, and shall satisfy itself that the charge made by said institution is in accordance with the terms and conditions of the regional and/or reciprocal agreement in effect between the New England Board of Higher Education and the charging institution. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall examine and audit the accounts showing the payments made by the board under the authority of this section. In submitting the budget request made by it pursuant to the certification of the board as provided in RSA 200-A:5, the ~~[postsecondary education commission]~~ **division** shall forward with such request a report of such examination and audit, showing the details of such payments for the 2 fiscal years next preceding the time of said budget requests.

136 The New England Higher Education Compact; Membership of Board. Amend RSA 200-A:8 and 9 to read as follows:

200-A:8 Enforcement. The ~~[postsecondary education commission]~~ **department of education, division of higher education** is authorized to enforce the collection of accounts that become due under the loan provisions of this chapter.

200-A:9 Repayment of Funds by Medical Students. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall prepare a note for signature of any medical student who is a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur, provided, however, that if the recipient continues without interruption *of his or her* medical education and/or his *or her* intern requirements said anniversary date shall be the anniversary of the date on which said continued education or internship terminates. Within a period equal to twice the number of school years of his respective enrollment, plus one year, all installments shall be paid in full to the ~~[postsecondary education commission]~~ **division**. The ~~[postsecondary education commission]~~ **division** shall reduce any annual installment by 1/2, providing the recipient has practiced medicine on a full time basis in New Hampshire during 8 of the preceding 12 months.

137 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:1, II to read as follows:

II. "Net tuition" means tuition costs for post-secondary school education that was directed toward the completion of a degree or certificate in judicial reporting, broadcast captioning, real time transcription, or sign language interpretation, or any other degree or certificate that the ~~[postsecondary education commission]~~ **department of education, division of higher education** deems acceptable for purposes of CART provider and sign language interpreter net tuition repayment.

138 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:2 and 3 to read as follows:

200-M:2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program Established. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall administer a program for the promotion, acquisition, and retention of CART providers and sign language interpreters in the state.

200-M:3 Application; Repayment. An individual who has completed eligible CART or sign language interpreter training in accordance with rules adopted pursuant to RSA 200-M:5, including internships and residencies, and agrees to work as a CART provider or a sign language interpreter in this state, may apply to the ~~[postsecondary education commission]~~ **department of education, division of higher education** for repayment under the CART provider and sign language interpreter net tuition repayment program and become eligible to be reimbursed up to 100 percent of his or her qualifying tuition not to exceed the cost of 4 years of in-state tuition at the university of New Hampshire, during a 5-year period of working as a CART provider or sign language interpreter. A 10 percent net tuition repayment shall be made upon completion of the first year of employment in this state, with an additional 10 percent made after the second year of work, an additional 20 percent after the third year of work, an additional 30 percent after the fourth year of work, and an additional 30 percent after the fifth year of work.

139 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:4, I to read as follows:

I. There is hereby established in the office of the state treasurer a fund to be known as the CART provider and sign language interpreter net tuition repayment fund. The fund shall include any sums appropriated for such purpose. In addition, the ~~[postsecondary education commission is authorized to]~~ **department of education, division of higher education** may accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this chapter. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the ~~[postsecondary education commission]~~ **department of education**. The fund may be expended by the ~~[postsecondary education commission]~~ **department of education** to accomplish the purposes of this chapter. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund.

140 CART Provider and Sign Language Interpreter Net Tuition Program. Amend RSA 200-M:5 to read as follows:

200-M:5 Administration; Rulemaking. The ~~[postsecondary education commission]~~ **department of education, division of higher education** shall adopt rules, pursuant to RSA 541-A, relative to procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for terms of service by a CART provider and/or sign language interpreter, procedures for repayment of net tuition costs, and the administration of the program by the ~~[postsecondary education commission]~~ **department of education, division of higher education**. The commissioner of the ~~[postsecondary education commission]~~ **department of education** shall annually report to the general court on the effectiveness of this program.

141 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(b)(1) to read as follows:

(1) Seek and receive approval from the ~~[postsecondary education commission]~~ **department of education, division of higher education** prior to applying for approval from the board.

142 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, I(c) to read as follows:

(c) The board shall approve, disapprove, or withdraw approval for nursing assistant education programs that meet or fail to meet the requirements of this chapter and the rules adopted by the board. The board shall require that nursing assistant education programs seek and receive approval from the ~~[postsecondary education commission]~~ **department of education, division of higher education** prior to applying for approval from the board.

143 Higher Education Corporations; Terms Defined. Amend RSA 292:8-b, I to read as follows:

I. "Commission" means the ~~[postsecondary education commission, established by RSA 188-D]~~ **higher education commission established in RSA 21-N:8-a.**

144 Higher Education Corporations. Amend RSA 292:8-c to read as follows:

292:8-c Organization. The articles of agreement for the purpose of organizing a corporation for the establishment of an institution for postsecondary education or higher learning shall be submitted to the ~~[postsecondary education]~~ commission for its consent for said incorporation.

145 Higher Education Corporations. Amend RSA 292:8-h, III to read as follows

III. The ~~[postsecondary education]~~ commission shall specify the degrees an institution may grant, and the commission may renew, for a set term of years, degree granting authority granted by the legislature. The commission's actions shall be subject to biennial certification by the legislature. The commission shall report its action by January 31 of each odd-numbered year to both the house and senate standing committees on education.

146 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ee to read as follows:

292:8-ee Freedom From Liability. No ~~[member of the postsecondary education commission nor]~~ **employee of the division, member of the commission, or** any member of an evaluation committee established under any provision of this subdivision shall be held personally liable, either as an individual or as a member of a group, for any loss which may accrue to an educational institution as a result of the denial of degree granting authority under any section of this subdivision, so long as said **employee or** member was acting in good faith in the furtherance of duties as ~~[a member of the postsecondary education commission]~~ **an employee of the division or member of the commission** or an evaluation committee. All such members shall be entitled to the protections afforded by RSA 99-D.

147 Higher Education Corporations; Freedom From Liability. Amend RSA 292:8-ff, III to read as follows:

III. The commission shall suspend or revoke the accreditation or degree granting authority of any institution which no longer meets the standards established by rule ~~[under RSA 188-D:8-a]~~ **RSA 21-N:8-a, II(e).**

148 Higher Education Corporations; Reports Required. Amend RSA 292:8-kk to read as follows:

292:8-kk Reports Required.

I. When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the original written academic record, or a legible, certified copy thereof as defined by the institution, of each student who has been registered for instruction at the institution shall be forwarded to the [~~postsecondary education~~] commission together with an explanation of the institution's credit and grading system. The [~~postsecondary education~~] commission shall preserve these records and upon request of the individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished to be paid to the commission shall be sufficient to cover related costs.

II. All transcript request fees collected by the [~~postsecondary education~~] commission under this section shall be deposited into a nonlapsing, revolving fund to be used for managing the storage, maintenance, and retrieval of closed school transcripts.

149 Postsecondary Education Commission; Transfer of Powers, Duties, and Programs to the Department of Education, Division of Higher Education and the Higher Education Commission.

I. Notwithstanding any provision of law to the contrary, the following programs are hereby transferred to the department of education, division of higher education as of July 1, 2011:

(a) Scholarships for orphans of veterans pursuant to RSA 193:19-21.

(b) Scholarships awarded under New England board of higher education compact pursuant to RSA 200-A.

(d) Veterans education services pursuant to RSA 188-D:24.

(e) The tuition waiver and scholarship program for children of fire-fighters and police officers established in RSA 187-A:20-a.

(f) The tuition waiver program for foster children established in RSA 187-A:20-b.

(g) The Paul Douglas scholarship program.

(h) The College Access Challenge grant.

(i) The CART provider and sign language interpreter net tuition program.

II. Notwithstanding any provision of law to the contrary, the following programs are hereby transferred to the higher education commission established in RSA 21-N:8-a, II as of July 1, 2011:

(a) The approval of new educational programs and regulation of institutions of higher education pursuant to RSA 292:8-h through RSA 292:8-kk.

(b) Regulation of private postsecondary career schools pursuant to RSA 188-G.

(c) Administration of the integrated postsecondary education data system as developed by the United States Department of Education, Institute of Education Sciences.

III. The transfer required in this section shall include all of the equipment, books, papers, and records of the postsecondary education commission. All existing rules, statutory responsibilities, regulations, and procedures relating to the transferred programs in effect, in operation, or adopted in or by the postsecondary education commission are hereby transferred to the department of education, division of higher education or the higher education commission and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

150 New Chapter; Private Postsecondary Career Schools. Amend RSA by inserting after chapter 188-F the following new chapter:

CHAPTER 188-G

PRIVATE POSTSECONDARY CAREER SCHOOLS

188-G:1 Definitions; Exclusions.

I. In this chapter:

(a) "Alternative delivery" means a mode of instruction, which does not involve face-to-face instruction between instructor and student in the same geographic location. This mode of instruction shall include Internet, televised, video, telephonic, and correspondence media.

(b) "Commission" means the higher education commission established in RSA 21-N:8-a, II.

(c) "Commissioner" means the commissioner of the department of education.

(d) "Conference" or "seminar" means a scheduled meeting of 2 or more persons for discussing matters of common concern and where, if training or education is offered, it shall be incidental to the purpose of the conference.

(e) "Director" means the director of the division of higher education in the department of education.

(f) "Division" means the department of education, division of higher education.

(g) "Entity" means any individual, firm, partnership, association, corporation, organization, trust, school, or other legal entity or combination of these entities.

(h) "Operating balance" means the amount of funds necessary for indemnification as determined by the director.

(i) "Physical presence" means any physical location, place of contact, telephone exchange, or mail drop in this state, and if an individual is conducting one or more of the following activities within this state:

(1) Advertising.

(2) Solicitation of potential students.

(3) Enrollment of students.

(4) Providing student services.

(5) Student mentoring.

(6) Instruction of students.

(j) "Private postsecondary career school" means any for-profit or nonprofit postsecondary career entity maintaining a physical presence in this state providing education or training for tuition or a fee that enhances a person's occupational skills, or provides continuing education or certification, or fulfills a training or education requirement in one's employment, career, trade, profession, or occupation. Schools that offer resident or non-resident programs, including programs using modes of alternative delivery, beyond the secondary school level to an entity shall be included in this definition regardless of the fact that the school's tuition and fees from education and training programs constitute only a part of the school's revenue.

(k) "Vendor" means an entity that promotes or exchanges goods or services for money.

(l) "Workshop" means a brief, intensive education or training program that focuses on developing techniques and skills in a particular area.

II. "Private postsecondary career school" shall not include:

(a) Schools authorized to grant degrees pursuant to RSA 292.

(b) Schools specifically licensed as an education or training school by a state agency other than the commission.

(c) Schools operated by a business organization exclusively for the training of that business' own employees and at no charge to its employees.

(d) Schools offering noncredit courses exclusively for avocational purposes.

(e) Schools established, operated, and governed by the state of New Hampshire or any of its political subdivisions, or any other state or its political subdivisions.

(f) Noncredit courses or programs sponsored by recognized trade, business, or professional organizations solely for the instruction of their members that do not prepare or qualify individuals for employment in any occupation or trade.

(g) Schools that offer programs and courses exclusively on federal military installations.

(h) Companies, individuals, or other legal entities that offer training at seminars, workshops, or conferences, if :

(1) Any training or education offered is incidental to the purpose of the seminar, workshop, or conference; and

(2) The attendee receiving the training is not awarded any form of a certificate, diploma, or credit including continuing education units for having received the training.

(i) Vendors that offer incidental training associated with the purchase of a product from said vendor, if the training is at no cost, its purpose is to familiarize the purchaser with its use and the purchaser is not awarded any form of a certificate or diploma for having received the training.

(j) An individual or facility training students under 14 C.F.R. part 91 or 14 C.F.R. part 141, or receiving flight or ground instruction required by the Federal Aviation Administration.

(k) Entities offering only training courses at a total cost, including tuition and all other fees and charges of not more than \$800 per course for which no payment, including a deposit, is required or collected prior to the first day of the course. This subparagraph shall not apply to entities that use alternative delivery methods.

(l) Entities offering training in the trades that have been approved by a state agency with appropriate jurisdiction, including but not limited to the plumbers' board, the electricians' board, the office of the state fire marshal, and the division of fire standards and training and emergency medical services.

(m) Computer technology vendors that offer fee based training on courses of instruction in the use of hardware or software if the course is offered to purchasers of such hardware or software, or to the purchaser's employees, by a person who manufactures and sells, develops and sells, or supports the hardware or software, and if the seller is not primarily engaged in the business of providing courses of instruction in the use of the hardware or software.

(n) Entities that license software, the content of which is focused on training or education, if the entity:

(1) Is primarily engaged in the business of licensing software;

(2) Licenses its software primarily to other legal entities, and not directly to an end user or individual student;

(3) Does not confer degrees, diplomas, continuing education units, or any other form of credit in connection with the software that it licenses;

(4) Is not accredited and does not seek accreditation in connection with the software that it licenses or the content it offers; and

(5) Does not offer an admissions process, financial aid, career advice, or job placement in connection with the software that it licenses.

188-G:2 Licenses and Fees.

I. Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the commission to determine if the entity requires a license. The commission shall establish procedures to accomplish this review.

II. A private postsecondary career school maintaining a physical presence in this state shall register to obtain a license or license renewal from the commission. The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the commission. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

III. A school that is not required to obtain a license may apply for a license and, upon issuance of the license, shall be subject to the provisions of this chapter. Such school may voluntarily surrender its license and revert to its original status.

IV. The commission shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this chapter.

V. A private postsecondary career school which the commission has determined requires a license shall, prior to the issuance of a license, comply with this section, RSA 188-G:3, and RSA 188-G:4.

188-G:3 Surety Indemnification. Before a license is issued or renewed, a school shall meet the requirements of this section or RSA 188-G:4, by providing acceptable surety indemnification as determined in this section.

I. A surety bond shall be provided by the school in an amount prescribed in this section. The obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the school and entity enrolling as students. The bond shall be issued by a company authorized to do business in the state of New Hampshire. The bond shall be issued in the name of the commission, and is to be used only for payment of a refund of tuition and instructional fees due to a student or potential student, and the expense of investigating and processing the claims.

II. The amount of such bond shall be based on income from tuition at 10 percent of gross tuition, with a \$10,000 minimum. If a school licensed under RSA 188-G:2 should fail to provide the services required in a contract with any entity, as determined by a court of competent jurisdiction, the bond shall be forfeited, and the proceeds distributed by the director in such manner as justice and the circumstances require.

III. The bond company may not be relieved of liability on the bond unless it gives the school and the commission 90 days written notice of the company's intent to cancel the bond. If at any time the company that issued the bond cancels or discontinues the coverage, the school's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the commission.

IV. For the purposes of this section the forms of indemnification other than a surety bond which may be furnished to the commission for licensure are the following:

(a) An irrevocable letter of credit, maintained for the licensing period as a minimum, issued by a financial institution authorized to do business in New Hampshire in an amount to be determined by the commission with the commission designated as the beneficiary; or

(b) A term deposit account held in the state treasury, payable to the commission, shall be held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the commission. Any interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all moneys on deposit, including any interest, shall be released to the appropriate school subject to the approval of the commission.

188-G:4 Student Tuition Guaranty Fund.

I.(a) A student tuition guaranty fund is hereby established within the department of education, division of higher education and shall be administered by the director.

(b) The fund shall be funded from an annual fee to be established by rule and assessed against each school duly licensed by the commission and all applicants for a license under RSA 188-G:2.

(c) The funds shall be placed in an interest-bearing account in the office of the state treasurer and the state treasurer shall deposit all interest earned on the funds into the account.

(d) The fund shall be used to reimburse students when a school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. The owner of a school which fails to perform its contractual obligations shall be personally liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

II. The department of education, in consultation with the commission, shall adopt rules, pursuant to RSA 541-A, relative to the administration and maintenance of the fund.

188-G:5 Inspections. The commission may at any time inspect the premises, curriculum, teaching materials, faculty performance, sales literature, financial data, or other matters which are relevant to the educational and business activities of a licensed school in order to determine compliance with applicable laws and rules.

188-G:6 Revocation; Hearing. The commission may, after due notice and hearing, revoke the license of any school licensed pursuant to RSA 188-G:2 for violating the provisions of this chapter or rules adopted hereunder. The provisions of RSA 541 shall apply to actions taken pursuant to this section.

188-G:7 Waiting Period. Every contract that purports to bind any entity to pay money to a private postsecondary career school in return for training shall be construed to be a home solicitation sales contract under RSA 361-B and shall be subject to the provisions of RSA 361-B.

188-G:8 Veterans, Education and Services Approval. The division may approve for veterans' education and services any institution licensed under this chapter. The department of education may adopt rules, under RSA 541-A, relative to the procedures for approval of institutions for veterans' education and benefits.

188-G:9 Use of Fees. Notwithstanding any provision of law to the contrary, all license fees collected under the provisions of this chapter shall be retained by the commission for use in meeting the expenses of administering this chapter.

188-G:10 Penalty.

I. Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the commission determines that a person is violating any provision of this chapter or the rules adopted hereunder, the commission shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. The commission, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.

IV. The commission shall be notified whenever a cease and desist order is issued to a school, or if a school fails to provide the services required under a contract with any entity causing the bond to be forfeited, or if a school is required to have a license but is operating without a license.

151 Application of Receipts; Funds Collected by the Department of Education. Amend RSA 6:12, I(b)(228) to read as follows:

(228) Fees ~~[deposited in the postsecondary education vocational school licensing fund under RSA 188-D:25]~~ **collected by the department of education, division of higher education pursuant to RSA 188-G:9.**

152 Application of Receipts; Student Tuition Guaranty Fund. Amend RSA 6:12, I(b)(233) to read as follows:

(233) Moneys deposited in the student tuition guaranty fund established in RSA ~~[188-D:20-b]~~ **188-G:4.**

153 Distribution of Adequate Education Grants. RSA 198:42, IV is repealed and reenacted to read as follows:

IV. For the fiscal year-beginning July 1, 2011, and every fiscal year thereafter, the department of education may expend funds up to 110 percent of budgeted amounts as necessary to fund chartered public school tuition payments under RSA 194-B:11, I. Said amounts are hereby appropriated to the department from the education trust fund established under RSA 198:39. The education trust fund shall be used to satisfy the state's obligation under this paragraph. The payment shall be issued regardless of the balance of funds available in the education trust fund. In the event that chartered public school tuition payments exceed budgeted amounts by over 10 percent, the department of education may expend funds in excess of said amounts, with the approval of the fiscal committee of the general court and governor and council. Said funds shall be paid from the education trust fund established under RSA 198:39 upon the warrant of the governor out of any money in the fund not otherwise appropriated.

154 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(c) to read as follows:

(c) ~~[Notwithstanding RSA 198:42,]~~ The commissioner of the department of education shall calculate and distribute chartered public school tuition payments as set forth herein. The first payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils present on the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, the commissioner of the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible

chartered public schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year.

155 Special Meetings; Reduction, Rescission, or Increase in Appropriations for State Education Funding. Notwithstanding any other provision of law, in response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts, the governing body of any school district including those that have adopted RSA 40:13, may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of any school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section in a single session for deliberating and voting, and without regard to the provisions of RSA 40:13. A special meeting under this section shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant.

II. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

III. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing.

IV. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VII. Except as provided in this section, provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this section: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669 RSA 670, and RSA 671.

156 Repeal. Section 155 of this act, relative to special meetings for school districts, is repealed.

157 Municipal Budget Law, Lapse of Appropriations. Notwithstanding any law to the contrary, the \$20,000,000 in federal funds approved by the fiscal committee of the general court for distribution to local school districts in fiscal year 2011 from the Education Jobs program shall not

lapse at the end of the school district's 2011 fiscal year. Any such moneys not expended by the school districts by the end of their 2011 fiscal year shall be carried over for use in the school district's 2012 fiscal year in accordance with federal law.

158 Veterinary Medicine; Biennial License Renewal. Amend RSA 332-B:13 to read as follows:

332-B:13 License Expiration and Renewal.

I. All licenses shall expire *biennially* on December 31 of each *even-numbered year for even-numbered licenses and on December 31 of each odd-numbered year for odd-numbered licenses* but may automatically be renewed by filing a renewal application and paying a renewal fee established in rules adopted by the board, subject to paragraph II; *except that for licenses which expire December 31, 2011, odd numbered licenses shall be issued for 2 years and even numbered licenses shall be issued for one year, and the board shall charge fees accordingly. Not later than* one month prior to the expiration date, the board shall mail a notice to licensed veterinarians that their license will expire on December 31 and provide them with a license renewal application. Persons previously licensed who allow their license to lapse shall be required to file a reinstatement application containing such information as required by the board. Persons who have allowed their license to lapse more than 5 years shall apply for reinstatement of licensure in accordance with RSA 332-B:17.

II. The board may by rule waive the payment of the [registration] renewal fee of a licensed veterinarian during the period when the person is on active duty with any branch of the armed services of the United States, not to exceed 3 years or the duration of a national emergency, whichever is longer.

III. As a condition of renewal of license, each licensed veterinarian shall be required to show proof that he or she has attended an approved educational program or programs totaling at least [12] **24** hours [per calendar year] *in the 2-year period* preceding each renewal date. Approved educational programs shall be at the discretion of the board, in accordance with rules adopted by the board. The board may excuse a licensee from all or a portion of the educational requirement upon the filing of a petition establishing good cause for the waiver as set forth in rules adopted by the board.

159 Veterinary Medicine; Reference to Annual Renewal Changed. Amend RSA 332-B:8 to read as follows:

332-B:8 Status of Persons Previously Licensed. Any person holding a valid license to practice veterinary medicine in this state on August 24, 1971, shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as the person complies with the provisions of this chapter, including [annual] *biennial* renewal of the license.

160 Findings; Intent. The New Hampshire general court makes the following findings of fact and states the following intent and purpose for sections 161-188 of this act.

I. Immediate action is necessary to make the New Hampshire retirement system (NHRS) viable and solvent.

(a) NHRS is the successor to the State Employees' Retirement System. NHRS was created and established as of July 1, 1967. The NHRS was intended to and does establish a defined benefit pension plan qualified under Section 401(a) of the United States Internal Revenue Code (IRC). The NHRS plan is a governmental plan within the meaning of Section 414(d) of the IRC.

(b) As a defined benefit pension plan, the provisions of NHRS describe benefits which will be made available to members as vested deferred retirement benefits payable on retirement or on events such as disability or death. Benefits pursuant to the NHRS are payable after a period of years during which members accrue creditable service. Members are deemed to be in vested status for those benefits after 10 years of creditable service.

(c) As a governmental plan, the NHRS is only available to governmental employers.

(d) The NHRS is funded with contributions from members, through mandatory payroll deductions, and with contributions from the governmental employers, all of which are raised through taxation. Such contributions are held in trust by the NHRS Board of Trustees; funds held by the trust are held and invested on behalf of all members.

(e) As a defined benefit pension plan, the NHRS requires actuarial calculations in order to determine benefits which are payable as well as funding obligations.

(f) The benefit calculations which are required by the NHRS generate funding obligations which are complex and depend on numerous variables with consequences that occur over a period of many years, in some circumstances in ways that are not foreseeable.

(g) The NHRS has an estimated unfunded pension liability of \$3.72 billion and an estimated unfunded medical insurance liability of \$976 million.

(h) In 2007, legislation was adopted to require the state and other public employers to pay down over 30 years the unfunded accrued liability, which was approximately \$2.7 billion at the time. While that plan is now being implemented, large increases in the amount of the unfunded liability result in the current \$4.7 billion total, uncertainties in future market returns, recommendations by NHRS actuaries to lower income earning assumptions, rapid increases in medical costs, increases in life expectancy, and slower growth in public sector employment require prudent legislative intervention to ensure financial viability of NHRS.

(i) Financial viability of the NHRS is essential to the operation of state government and local government performing its constitutional and statutory obligations. Therefore, the stability of NHRS is an important, immediate, and fundamental necessity.

(j) The Pew Institute has concluded that unfunded pension and health care liabilities are a nationwide problem, estimated at over \$1 trillion. Additionally, the level of direct federal debt in excess of \$14 trillion means that federal funding to the states will have to be significantly reduced in the near future. Thus, the state cannot expect assistance from the federal government in meeting NHRS obligations, and indeed it is reasonable to anticipate a loss in federal funds.

(k) The NHRS plan (and its trust) was created by the New Hampshire legislature and can be amended or terminated by the New Hampshire legislature at any time. Notwithstanding the general court's power, it is the general court's intention and public necessity to protect the reasonable interests of the members who accrue benefits under the NHRS plan, of the employers of those members, and of the citizens of New Hampshire.

(l) It is the legislature's intention that its actions taken at this time will not prevent future legislatures from acting to make any and all laws necessary and proper to preserve the public security, order, health, morality and justice, including further changes to the NHRS.

(m) The legislature's ongoing power to amend the NHRS is a fundamental power essential to government, and cannot and will not be surrendered by the legislature or irrevocably transferred away from government.

(n) The legislature finds that members who are deemed to be in vested status should be treated differently than members who are not deemed to be in vested status.

(o) The legislature finds that pension entitlements must be viewed in terms of benefits which have accrued up to the time when valuation is determined, and that such entitlements can be essentially expressed as a dollar value by taking into account the time value of money.

(p) The legislature finds that participants who are deemed to be in vested status in the NHRS have a reasonable expectation that the value of benefits which have accrued to them will not be taken away, although they may be changed prospectively.

(q) The legislature intends that the present value of accrued benefits for members who are deemed to be vested will not be diminished financially, as determined based upon an actuarial determination.

(r) It is the legislature's intention that benefits of members who have already retired will not be significantly diminished or impaired.

(s) The legislature does not intend that the rate of future benefit accruals is or should be protected.

(t) It is the legislature's intention that changes to the NHRS are and will continue to be constrained by the Internal Revenue Code tax qualification requirements imposed by Code Section 401(a) and related guidance; that is, changes will be made, or will not be made, in order to protect the NHRS qualified status.

II. Making NHRS viable and solvent through the actions to be undertaken pursuant to this legislation is a matter of extreme policy importance to the state.

(a) On average, benefits currently constitute an additional 52 percent increase to the cost of state employee salaries.

(b) These benefits paid by the NHRS are significantly higher than are paid in the private sector and cannot be sustained. Public employees are increasingly not cost-competitive with private alternatives to providing state and municipal services.

(c) Absent the actions to be taken pursuant to this legislation, it is likely that the state and its political subdivisions will not be able to afford to continue providing governmental services directly, but will have to provide these services through private alternatives.

(d) Public employee contributions to their pensions have not been increased for many years.

(e) Public employer contributions have been increasing significantly, erratically, and unpredictably in amounts that are undermining state and local government budgets, the public policies reflected in these budgets, and the ability of the state and local government to perform core constitutional and statutory obligations.

(f) Public employees provide state and municipal services which are essential to residents and visitors. Without changes to address the unsustainable increases in the costs of public employee benefits, however, the state and local governments will be forced to reduce the number of public employees, and shrink public service, in order to fund these growing benefit costs. The general court finds that such a result would be detrimental to the ability of state and local government to protect the lives, health, morale, comfort, and general welfare of the public.

(g) Increasing employer contributions would result in significant harm to the state's economy.

(h) Taxes to fund employer contributions are imposing an unreasonable burden on taxpayers.

III. This act contains the minimum actions necessary to assure the viability and solvency of the NHRS.

(a) The changes to be made to the NHRS at this time pursuant to this act are essential to assuring the solvency of the NHRS, addressing its structural problems, and balancing reforms fairly among employee classes, while minimizing the impact on present employees, especially those closest to retirement.

(b) The legislature specifically finds after many public hearings, hours of studying the issue, and hours of debate, that this act constitutes the minimum actions necessary to assure the viability and solvency of the NHRS.

(c) The response of public sector employers to significantly increasing premium contributions has been to reduce their number of employees. Without significant reform to the NHRS, this trend is likely to escalate.

(d) Absent this legislation, public safety, public education, and other elements of the social safety net will be increasingly compromised and unable to provide services to the public.

(e) This legislation represents the minimum reform necessary to continue to provide appropriate public safety, public education, and other governmental services.

(f) Where public sector employers have raised taxes to pay for increasing pension contributions, there has been an adverse effect on job growth and retention.

(g) Raising taxes to pay for increasing pension contributions, would discourage business from relocating to this state and encourage businesses to move from New Hampshire or expand their operations in other states.

(h) The legislature specifically finds after many public hearings, hours of studying the issue and hours of debate, that raising taxes to address NHRS' issues would be harmful to the state's economy, the quality of life of its citizens, place New Hampshire at a competitive disadvantage to other states, and would be against the public interest.

(i) The financial viability of the NHRS must be preserved, as it serves an important public purpose. The general court expressly finds that the changes made in this act are reasonable and necessary, and are the minimum adjustments possible to the retirement system and to public employee retirement benefits to accomplish the important public purpose of preserving and maintaining the ability of the state and local government to provide retirement benefits to public employees.

(j) The changes set forth in this act have been deliberately designed to adjust the system fairly among employee classes, to introduce changes in a way to minimize the impact on present employees, especially those closest to retirement, and to improve the long-term fiscal health and sustainability of the retirement system.

161 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For ~~[all]~~ members *who have attained vested status prior to January 1, 2012* the full base rate of compensation paid, *as determined by the employer*, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities ~~[or for other extra or special duty]~~, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage

members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. ***Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.*** However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, holiday and vacation pay, sick pay, cost of living bonus, annual longevity pay, additional pay for extracurricular and instructional activities, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

(2) Compensation over base pay shall be limited during the highest 5 years of creditable service as provided in paragraph XVIII.

(3) Earnable compensation shall not include compensation for extra and special duty for members who commence service on and after July 1, 2011.

(4) Earnable compensation shall not include incentives to encourage members to retire, severance pay or end-of-career ad-

ditional longevity payments, and pay for unused sick or vacation time. Earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

162 Applicability; Earnable Compensation. For members of the retirement system who were in active status immediately prior to the effective date of section 161 of this act, the provisions of RSA 100-A:1, XVII as amended by section 161 of this act shall not apply until January 1, 2012.

163 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For members who have attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

(b) For members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, inclusion of compensation in each of the highest 5 years which is in excess of the full base rate of compensation paid as determined by the employer shall not exceed the average annual amount of compensation over base pay paid to the member over all the member's years of service on or after January 1, 2012, but excluding the highest 5 years.

164 Maximum Initial Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. ~~[For members who commenced service on or after July 1,~~

~~2009, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.] For members who commenced service on or after July 1, 2009 or have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000.~~ Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances ~~[under RSA 100-A:41-a].~~

165 State Employees; Medical and Surgical Benefits; Eligibility. Amend RSA 21-I:30 to read as follows:

21-I:30 Medical and Surgical Benefits.

I. The state shall pay a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

II. For the purposes of this section, "retired employee" means each group I state employee who:

(a)(1) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003 **and prior to July 1, 2011**, and who also is at least 60 years of age at the time of retirement; or

(2) Has at least 20 years of creditable service if the employee's service began on or after July 1, 2011, and who also is at least 60 years of age at the time of retirement, provided the employee shall not be eligible to receive benefits under this section until attaining 65 years of age; or

(b) Has at least 30 years of creditable service for the state at the time of retirement **if the employee's service began prior to July 1, 2011**, regardless of the employee's age; or

(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his **or her** death, if the state employee had at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003.

II-a. For the purposes of this section, "retired employee" also means each group II state employee who:

(a) Retires if the employee's state service began prior to July 1, 2010 or who retires with at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010; or

(b) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(c) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(d) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his or her death, if the state employee had at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010.

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II *who is in vested status before January 1, 2012*, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, *and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d).*

IV. Each state employee who has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003 *and prior to July 1, 2011*, and who elects to take a reduced service retirement allowance shall be defined as a "retired employee" for the purposes of being eligible to receive medical and surgical benefits under this section when the state employee reaches age 60.

V. No state employee who terminates his or her state service before he or she becomes eligible for retirement benefits as a "retired employee" as defined under paragraphs II-IV shall be eligible for medical and surgical benefits under this section.

VI. A state employee who commences service on or after July 1, 2011 and who is eligible for benefits under this section shall not receive such benefit until attaining age 52.5 if the state employee retired from group II service with the state or attaining age 65 if the state employee retired from group I service with the state.

166 Service Retirement Benefits. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member may retire on a service retirement allowance upon written application to the board of trustees setting forth at what

time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year. ***Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.***

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. ***Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.***

(c) Notwithstanding any other provision of law, any group I member ***who commenced service prior to July 1, 2011*** who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his *or her* age equals at least 70 years, or who has attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a) Any group II member in service, ***who is in vested status before January 1, 2012***, who has attained age 45 and completed 20 years

of creditable service, *and any group II member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members who have not attained vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in service* who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service. *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before January 1, 2012*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years.*

(3) *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *is in vested status before January 1, 2012 and* has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, *and any group II member who commenced service on or after July 1, 2011 and retires after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members who have not attained vested status prior to January 1, 2012 who qualify as provided in the transition provisions in RSA 100-A:5, II(d),* shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has

elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

(d) Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on or after January 1, 2012 according to the following table:

<i>Creditable service on January 1, 2012</i>	<i>Minimum years of service</i>	<i>Minimum age attained</i>	<i>Annuity multiplier</i>
<i>(1) Less than 4 years</i>	<i>24</i>	<i>age 49</i>	<i>2.1%</i>
<i>(2) At least 4 years but less than 6 years</i>	<i>23</i>	<i>age 48</i>	<i>2.2%</i>
<i>(3) At least 6 years but less than 8 years</i>	<i>22</i>	<i>age 47</i>	<i>2.3%</i>
<i>(4) At least 8 years but less than 10 years</i>	<i>21</i>	<i>age 46</i>	<i>2.4%</i>

167 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, ***for members who are in vested status before January 1, 2012***, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary disability retirement, ***or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 42.5 at the time of ordinary disability retirement, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years*** provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

168 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement.

(1) For members who are in vested status before January 1, 2012, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) For members who commenced service on or after July 1, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 42.5 years.

(3) For group II members who have not attained vested status prior to January 1, 2012 calculation of the supplemental allowance shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the number of years for the supplement adjusted proportionally.

169 Vested Deferred Retirement. Amend RSA 100-A:10 to read as follows:

100-A:10 Vested Deferred Retirement Benefit.

I. Group I Members.

(a) A group I member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be an employee or teacher shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11. **Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.**

(b) At any time after attainment of age 50, a group I member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance payable under RSA 100-A:5, I(a) and I(b) or the reduced early service retirement allowance payable under RSA 100-A:5, I(c), based on the member's age when the vested deferred retirement allowance begins and on the member's average final compensation and creditable service at the time service is terminated. **Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.**

II. Group II Members.

(a) A group II member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be a permanent policeman or permanent fireman shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on

a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11. *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

(b) *For members who are in vested status before January 1, 2012, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or for members who commenced service on or after July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d), or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

170 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) *For a member who is in vested status before January 1, 2012 and, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.*

(b) *For a member who commenced service on or after July 1, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years, and provided that a the member shall not be eligible to receive a retirement allowance until attaining the age of 52.5.*

(c) *For members who have not attained vested status prior to January 1, 2012, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.*

171 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 *for members who are in vested status with group II service before January 1, 2012 or at least 50 for members who commenced group II service on or after July 1, 2011, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

172 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, *and except as provided in RSA 100-A:16, II-a*, dependent upon the member's employment classification at the rate determined in accordance with the following table:

(1) Employees of employers other than the state	5.00
Employees of the state hired on or before June 30, 2009	5.00
Employees of the state hired after June 30, 2009	7.00
Teachers	5.00
Group I members,	7.00
(2) Permanent Policemen	9.30
Permanent Firemen	9.30
Group II permanent fireman members,	11.80
Group II permanent police members,	11.55

(aa) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who are in vested status before January 1, 2012* with creditable service in excess of 40 years, *and group II members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years* as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who is in vested status before January 1, 2012* with creditable service in excess of 40 years, *and any group II member who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years* as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and

this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

173 New Paragraph; Alternative Contribution Calculation. Amend RSA 100-A:16 by inserting after paragraph II the following new paragraph:

II-a.(a) Notwithstanding the method of calculating member and employer contributions under this section, if for any year the board of trustees certifies that within a member classification the employer rates determined under paragraph III have lowered to require them to be equal to the member rates under paragraph I, then for all subsequent years following such certification the employer rates and the members rates for such member classification shall continue to be equal whether the system liabilities increase or decrease.

(b) The provisions of subparagraph (a) shall not take effect and shall be inapplicable to the retirement system calculation of contribution rates under this section if such provisions of subparagraph (a) would violate the requirements set forth in U.S. Treasury Regulation 1.401-1.

174 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint ~~[2]~~ **4** trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of ~~[one of]~~ the nonmember trustees shall be ~~[for a term of one year]~~ **made to provide for staggered terms**. The remaining ~~[11]~~ **8** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired~~

~~term.]: one employee member, one teacher member, one permanent police member, one permanent fireman member, and 4 employer members.~~ The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association; ~~and the New Hampshire Local Government Center~~ shall each annually nominate from their members a panel of 5 persons, all of whom ~~[except for the panel of the Local Government Center]~~ shall be active members of the retirement system; ~~[or one of the 4 predecessor systems]~~, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels the governor and council shall appoint ~~[one person annually to]~~ **the active member trustees of the board**; ~~[except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~ **as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees.** Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term ~~[from the same panel from which the former member was appointed]~~. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

175 New Paragraph; Board of Trustees; Report to General Court. Amend RSA 100-A:14 by inserting after paragraph VII the following new paragraph:

VII-a. The board of trustees shall submit a report each quarter by January 1, April 1, July 1, and October 1, to the chairpersons of the house and senate executive departments and administration committees. Such report shall describe recent board actions including any changes to actuarial assumptions and investment returns.

176 Medical Benefits Subsidy; Payment by Retirement System. RSA 100-A:52, II is repealed and reenacted to read as follows:

II. For the fiscal year beginning July 1, 2011, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$375.56 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$236.84 per month. The rate payable under this paragraph shall not be increased.

177 Retirement System Membership. Amend RSA 100-A:3, I to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment. **In addition, employees appointed to an unclassified position with no fixed term on or after July 1, 2011 shall become members of the retirement system as a condition of employment, if they are receiving benefits from the retirement**

system. Any retirement benefit collected by such an unclassified employee shall be suspended during the period of employment. Membership in the retirement system [~~except that membership~~] shall be optional in the case of elected officials, officials appointed for fixed terms, [~~unclassified state employees~~] **employees appointed to an unclassified position with no fixed term prior to July 1, 2011**, or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

(1) The office held is a full-time position with eligibility for the same fringe benefits as other full-time employees of the employer;

(2) The office held is the primary occupation of the person holding the office;

(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,700 hours of employment; and

(4) The official satisfies the condition under subparagraphs (1)-(3) by using only one elected or appointed office to qualify.

(b) Any employee who is currently an employee of the general court who works on a full-time basis and who is eligible for other state benefits, but whose salary was or is calculated on a per diem basis shall be eligible to exercise those buy-back provisions set forth in RSA 100-A:3, VI(a), (b), and (c) for such previous service, only if the employee is currently a member in the retirement system.

(c) [Repealed.]

(d) The option in subparagraph (a) shall not be available in the case of any newly created positions for unclassified employees or officials whether appointed with fixed terms or with no fixed terms nor in the case of any newly appointed positions created by political subdivisions after July 1, 2011.

178 New Paragraph; Retirement System; Part Time; Group I and Group II. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a retired member of the New Hampshire retirement system, but excepting per diem court security officers and court bailiffs, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I, part-time employment of the retired member shall not exceed 32 hours in a normal calendar week; except for group I employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

(b) For group II, part-time employment of the retired member shall not exceed 32 hours in a normal calendar week; except for group II employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

179 Credit of Interest. Amend RSA 100-A:16, II(g) to read as follows:

(g) All interest and dividends earned on the funds of the retirement system shall be credited to the state annuity accumulation fund. The board of trustees shall allow interest [~~at such rate or rates as it~~]

~~shall determine from time to time]~~ on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. ***The rate of interest shall be 2 percentage points less than either the most recent board of trustees approved assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR) as approved and accepted by the board of trustees by December 1 of each year, provided the rate shall not be less than zero.*** Such interest shall be compounded at an annual rate and shall be prorated and credited to the member annuity savings fund to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

180 Management of Funds; Investment Committee. Amend RSA 100-A:15, I to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall set the investment policy relative to those funds. The independent investment committee shall have full power to invest and reinvest such funds in accordance with the policy set by the board. The board of trustees ***and the members of the independent investment committee*** shall have the powers, privileges, and immunities of a corporation. The independent investment committee shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments in accordance with the policy set by the board. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested, or disbursed in trust.

181 Independent Investment Committee Amend RSA 100-A:15, IX to read as follows:

IX. The non-trustee members of the independent investment committee shall be afforded the same liability insurance ~~[and]~~, indemnification, ***and statutory protections*** as board members.

182 Additional Temporary Supplemental Allowance; 2012 Added. Amend RSA 100-A:41-d, III to read as follows:

III. The supplemental allowance in this paragraph shall apply only for the fiscal years beginning July 1, 2008 up to and including the fiscal year beginning July 1, ~~[2011]~~ **2012**. In addition to paragraphs I and II, any retired member of the New Hampshire retirement system or any of its predecessor systems or any beneficiary of such retired member who is receiving an allowance, except for a retired state member, or his or her beneficiary, whose medical benefits are paid by the state pursuant to RSA 21-I, who is receiving a medical benefit subsidy payment under RSA 100-A:52 or RSA 100-A:52-a, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$500 for retirees taking a one-person medical benefit and \$1,000 for retirees taking a 2-person medical benefit, paid from the respective component of the special account. Provided, however that no 2-person subsidy recipient may receive more than \$1,000 per year under this paragraph, and that once a recipient is entitled to Medicare, the additional allowance under this paragraph shall be reduced to 60 percent of the non-Medicare eligible retiree amounts.

183 Transfer of Balance of Special Account. Except for funds necessary to comply with the requirement of RSA 100-A:41-d, III as amended by this act, any funds remaining in the special account as of June 30, 2011 as determined on a generally accepted accounting principles basis shall be transferred to the respective components of the state annuity accumulation fund effective June 30, 2011.

184 Study Committee Established; Voluntary Defined Contribution Plan. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

185 Study Committee Established; Disability, Medical Subsidy, COLAs. There is established a committee to study retirement system matters related to disability retirement, medical subsidies, and cost of living adjustments or supplemental allowances.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

186 Repeal. The following are repealed:

I. RSA 100-A:6, III(b)(3), relative to the group II accidental disability beneficiary exception from gainful occupation reduction.

II. RSA 100-A:4-b, relative to group I employees and teachers purchase of credit for out-of-state service.

III. RSA 100-A:4-c, relative to group II members purchase of credit for out-of state service.

187 Severability. If any provision of this act or the application of such provision to any person or circumstance is held invalid or is deemed not to comply with applicable law or regulations of the Internal Revenue

Service so as to jeopardize the retirement system's status as a qualified governmental pension plan, the invalidity or non-compliance does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

188 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of amendments to RSA 100-A in the 2011 legislative session. The recalculation shall be based on the demographic and economic assumptions as disclosed in the June 30, 2010 valuation issued November 24, 2010 by the New Hampshire retirement system actuary. Such recalculation shall not use a changed assumed rate of return until fiscal year 2014. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective as soon as possible following July 1, 2011 as approved by the board of trustees. The recertification of employer contribution percentages by the board shall be effective when provided to each employer within a reasonable period of time not to exceed 30 days from the approval of the recalculation by the board of trustees, as amended by section 174 of this act, after July 1, 2011. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

189 Contingency; Retirement System Changes. If SB 3-FN-A-LOCAL of the 2011 legislative session becomes law then sections 160-173 and 175-187 of this act shall not take effect and sections 15, 16, and 30 of SB 3-FN-A-LOCAL shall not take effect.

190 New Paragraph; Retirement System; Subcommittees of the Board of Trustees; Meetings. Amend RSA 100-A:14-a by inserting after paragraph V the following new paragraph:

VI. Notwithstanding RSA 91-A or any other law to the contrary, subcommittee members shall be permitted to participate in subcommittee meetings by telephone, provided that any subcommittee member so participating shall be able to be heard by and to hear every other member of the subcommittee participating in the meeting and, unless the subcommittee is meeting in a nonpublic session as permitted by RSA 91-A:3, shall be able to be heard by all members of the public attending the meeting. Voting members of any subcommittee participating by telephone shall be treated as present at the meeting for all purposes, including the establishment of a quorum. Any meeting at which one or more subcommittee members are participating by telephone shall be recorded verbatim by magnetic tape or otherwise, and such recording shall be made available for public inspection to the same extent as minutes of the meeting, provided that the accidental destruction of a recording or the accidental failure to record any meeting shall not invalidate any action taken at that meeting.

191 Retirement System, Employer Contributions; Non-State Employees; Fiscal 2012 Contribution; State Share Eliminated Fiscal Year 2013. Amend RSA 100-A:16, II(b) and (c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution," provided that *beginning with state fiscal year 2013 and for each state fiscal year thereafter*, any employer[, other

than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, the employer] shall pay the full amount of such total contributions[; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions]. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that[, in the case of teachers] ***beginning with state fiscal year 2013 and for each state fiscal year thereafter***, any employer[, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state] shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

(c-1) For state fiscal year 2012, the contributions of each employer for benefits under the retirement system on account of group II and group I teacher members of employers other than the state shall be calculated as provided in subparagraphs (b) and (c) provided that the state shall pay \$3,500,000 of such total contributions.

192 Statutory Construction; Publication of Notice. Amend RSA 21:32 to read as follows:

21:32 Publication of Notice; ***Publication for Statewide Circulation.***

I. By the words "publish," "published," "publishing," or "publication," when notice is required or permitted to be given by publication, shall be intended publication in a newspaper circulated in the vicinity, and the publication shall be for 3 weeks successively, and the last publication one week, at least, before the day or thing of which notice is given, unless otherwise specially provided.

II. The terms "***publication of daily statewide circulation***," "***publication of general statewide circulation***," or "***publication in a***

newspaper of statewide circulation” regarding any requirement of any executive branch state agency, board, department, or official to provide notice under state law in respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, shall mean publication of such notice at the offices of the agency, board, department, or official; prominently on a publicly accessible Internet site maintained by the agency, board, department, or official; and in any local or regional publication circulated where the real or personal property is located or where the act, event, hearing, or other occurrence is to take place, all in accordance with the time frame for notice prescribed by law.

193 Rest Areas and Welcome Centers. Amend RSA 12-A by inserting after section 43-a the following new section:

12-A:43-b Rest Areas and Welcome Centers.

I. The department of resources and economic development shall be responsible for the staffing of rest areas and welcome centers along the state’s highways. There is established in the department a bureau of visitor service to administer this function. The commissioner may consult with the local chambers of commerce relative to said function, and shall have the authority to enter into contracts with private or public entities for said function as the commissioner deems appropriate.

II. Notwithstanding paragraph I, the department of transportation and the liquor commission may undertake and/or participate in the development of new welcome centers in Hooksett on the northbound and southbound lanes of Interstate Route 93 as authorized by the legislature.

194 Repeal. RSA 228:106, relative to the bureau of visitor service, is repealed.

195 Flood Control; Reimbursement to Cities and Towns. Amend RSA 122:4 to read as follows:

122:4 Reimbursement to Cities and Towns.

I. On a date not later than 30 days following the establishment and approval of tax rates for each city and town affected by and subject to the provisions of this chapter, the state treasurer shall pay to each town and city in which any taxable real estate or interest therein has been acquired under this chapter by the United States and thus become tax exempt for such year, a sum equal to the taxes which would have been assessed against the real estate or interest therein in such town or city if the same had been included in the list of taxable property as proposed by the commissioner of revenue administration in RSA 122:6. For land acquired by the United States under this chapter, reimbursement shall be made upon a valuation determined as provided herein on a permanently continuing basis, and if growing wood and timber was taxable as real estate on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be land hereunder. For all artificial improvements on land acquired by the United States under this chapter, including buildings, structures and other artificial real estate fixtures of any kind, reimbursement shall be made upon a valuation determined initially as provided herein and thereafter annually reduced by 2-1/2 percent so that at the end of 40 years reimbursement therefor shall have terminated. On land and improvements thereon acquired by the United States under this chapter the initial assessed valuation of the land and improvements for purposes of reimbursement shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the assessors and the commissioner of revenue administration acting as a joint board, so as to make such valuation proportional to

the value of all other property in such town or city subject to taxation. For purposes of this section the joint board may subdivide such assessment equitably between land and improvements thereon or between real estate acquired and that not acquired, if the official assessment was not thus subdivided. The valuations of improvements thus determined shall thereafter be annually reduced over a 40-year period as above provided. On land, and artificial improvements, the valuations initially established as above provided in a town or city shall be reviewed by the commissioner at least once in every 5 years and more frequently if reasonably necessary and be changed as necessary to make them proportional with the assessed value of all other taxable property in such town or city. The amount of the reimbursement due to each town and city hereunder shall be determined by the commissioner and certified by it to the state treasurer not later than 30 days following the establishment and approval of the tax rates of each town and city under this chapter. The commissioner shall reduce the amount of reimbursement thus determined by any amount paid or due that town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation. The governor is authorized to draw [his] a warrant for the payment of such reimbursements out of any money in the treasury not otherwise appropriated. Provided, however, that reimbursement payments for loss of taxes on account of the acquisition of railroad or public utility property shall be reduced to the extent that such railroad or public utility property is relocated and reconstructed in the same town or city as a result of such acquisition, and thereby is included to that extent in the list of taxable property in said town or city as relocated.

II. Notwithstanding paragraph I, the commissioner of revenue administration shall reduce the amount of reimbursement thus determined by any amount paid or due the state on behalf of a town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation. Any subsequent payments received by the state from the United States, another state, an interstate flood control agency or other source shall first be applied to outstanding amounts due the state, and any remainder shall be apportioned to the towns.

196 Assistant Director of Document Processing Deleted. Amend RSA 21-J:5, IV to read as follows:

IV. The commissioner shall appoint an assistant director for each division. Assistant division directors shall be classified employees, except for the assistant director of audits [~~and the assistant director of document processing~~], who shall be ***an*** unclassified [~~employees~~] ***employee***.

197 Unclassified Salaries. Amend RSA 94:1-a by deleting:

FF Department of

revenue administration

director of document processing

198 Document Processing Division. Amend RSA 21-J:12 to read as follows:

21-J:12 Document Processing Division. There is established within the department the division of document processing[~~under the supervision of an unclassified director of document processing who shall be responsible~~] for processing all tax returns filed with the department.

199 Equalization Standards Board; Administrative Merger. Beginning on July 1, 2011, the administrative and business processing functions of the equalization standards board under RSA 21-J:14-c shall be merged with and performed by the assessing standards board under RSA 21-J:14-a.

200 Governor's Commission on Disability; Client Assistance Program; Contingent Transfer of Appropriation. The appropriation for the administration of the client assistance program that is received by the governor's commission on disability pursuant to 29 U.S.C. section 732 for fiscal years 2012 and 2013 shall be transferred to the New Hampshire Disability Rights Center upon certification by the governor to the commissioner of administrative services that the program has been redesignated to the New Hampshire Disability Rights Center. If the redesignation occurs and the governor's certification is made after July 1, 2011, the unexpended portion of the appropriation shall be transferred.

201 Penalty Assessment; Waiver of Penalty. Amend RSA 188-F:31, IV as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit [54-17] **66.66** percent of the amount collected in the police standards and training council training fund, 16.67 percent of the amount collected in the victims' assistance fund, **and** 16.67 percent of the amount collected in the judicial branch information technology fund.

202 Compensation and Benefit Cost Reductions. For the biennium ending June 30, 2013, the governor shall reduce total appropriations for compensation and/or benefits for classified employees in any department, as defined in RSA 9:1, by not less than \$20,000,000 in fiscal year 2012 and not less than \$50,000,000 for the biennium, of which the general fund component shall be not less than \$20,000,000. If a plan for compensation and/or benefit reductions is not implemented as a result of negotiations with employees by September 1, 2011, the governor shall implement other compensation and/or benefit reduction measures or personnel reductions not later than December 1, 2011.

203 Department Budgets; Transfer of Federal Funds. For the biennium ending June 30, 2013, in order to maximize the use of federal grant funds and to avoid lapsing such funds where changes in the state or federal accounting systems, changes in federal grant guidelines, or overestimation or underestimation of funds required in various class codes due to program needs or requirements have occurred subsequent to the passage of the budget, every department as defined in RSA 9:1 is hereby authorized, for the biennium ending June 30, 2013, subject to the prior approval of the fiscal committee of the general court and the approval of governor and council, to transfer funds in or out of any class code and to create new class codes within federally funded areas of the department's operating budget so long as such transfers do not result in an overexpenditure of any grant.

204 Use of Federal Grants. In order to maximize the use of federal grant funds and not lapse such funds, every department as defined in RSA 9:1 is hereby authorized to carry forward budgeted appropriation balances in class from federal grants for the duration of that federal grant award from one state fiscal year to the following fiscal years subject to the approval of the commissioner of administrative services.

205 Rehiring of Laid Off Classified State Employees.

I. For purposes of this section, "laid off" means any person in a classified position as described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who is laid off between July 1, 2011 and June 30, 2013, as a result of reorganization or downsizing of state government.

II. It is the intent of the general court that any classified position which becomes available in a department or establishment, as defined

in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does not receive a promotion as a result of the rehire.

III. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2011 and June 30, 2013, to the director of the division of personnel within 10 days of the layoff.

206 Freeze of Executive Branch Hiring, Purchases, and Out-of-State Travel.

I. Except as provided in paragraph II, all full-time classified and unclassified employee positions funded in whole or in part by the general fund which are vacant on July 1, 2011 or become vacant after that date shall remain vacant until June 30, 2013 with the exception of direct care, custodial care, and law enforcement positions. The appropriation for each such position shall lapse to the salary adjustment fund under RSA 99:4 and the employee benefit adjustment account under RSA 9:17-c, as applicable. No general fund moneys appropriated for class 30 equipment or appropriated for out-of-state travel shall be expended or encumbered on or after July 1, 2011.

II. Individual exceptions to any of these provisions may be requested by any department in writing to the governor. Any exception granted by the governor shall be transmitted to the fiscal committee of the general court at its next meeting.

III. For the biennium ending June 30, 2013, no purchases shall be submitted or processed which require a standard requisition order form (P4) or an agency requisition form (P28), pursuant to purchase and property rules and procedures adopted by the department of administrative services, if the purchases are funded in whole or in part with general funds, with the exception of purchases for food, drugs, fuel, medical supplies, or items necessary under emergency conditions that are required for the continued operation of a department. The commissioner of administrative services shall have the authority to determine whether there exists an emergency condition at any department that necessitates the purchase of items.

207 General Fund Balance. Notwithstanding RSA 9:13-e, II, any budget surplus for the close of the fiscal biennium ending June 30, 2011 shall not be deposited in the revenue stabilization account but shall remain in the general fund.

208 Department of Information Technology; Technical Support Services, Regional Support Services. The department of information technology shall not discontinue desktop support services to any executive branch agency, except at the request of the agency. Agencies shall use funds as appropriated for the provision of information technology services to that agency.

209 Transfers Authorized to Fund Information Technology Related Projects. Notwithstanding any provision of law to the contrary, departments, agencies, and branches may transfer moneys from any class line, except from personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

210 Department of Information Technology; Transfers Among Accounts. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary, the department of information technology

may, subject to the approval of the fiscal committee of the general court, transfer funds within and among all accounting units within said department as necessary for the efficient management of the department.

211 Method of Financing; Unfunded Accrued Liability. Amend RSA 100-C:13, III(d) to read as follows:

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability." On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~ **30 years from January 1, 2010 or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

212 Judicial Retirement Plan; Recalculation and Recertification of Employer Rate. Notwithstanding the requirements of RSA 100-C:13, I, the board of trustees of the judicial retirement plan shall direct the plan's actuary to recalculate the employer contribution rate for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-C:13, III(d) as amended by section 211 of this act. Such recalculated employer contribution rate shall be recertified by the board of trustees to the judicial branch and shall be used by the judicial branch for state fiscal years 2012 and 2013 until the next biennial valuation.

213 Department of Justice; Outside Counsel. Notwithstanding any law to the contrary, for the biennium ending June 30, 2013, when seeking outside counsel on a new matter, the department of justice shall retain only outside counsel whose business office is located within New Hampshire. If the attorney general determines the counsel necessary for a specific type of litigation is not available in this state, the attorney general shall request from the fiscal committee of the general court authorization to retain counsel whose business office is not located in New Hampshire.

214 Vital Records Improvement Fund; Transfers to General Fund. Notwithstanding RSA 5-C:15, the department of state shall transfer \$400,000 in the fiscal year ending June 30, 2012 and \$400,000 in the fiscal year ending June 30, 2013 from the special fund for the improvement and automation of vital records at the state and local levels established in RSA 5-C:15, also known as the vital records improvement fund, to the general fund.

215 Department of Cultural Resources, Federal Funding. It is the intent of the general court that the department of cultural resources review the federal program guidelines for which it receives federal dollars to support library programs and seek to amend its 5-year plan to use funding that had been designated to support 3 of the interlibrary vans for other purposes. Furthermore, the review shall include a determination of programs or services the department could offer using federal library program funds. The department shall file a report of its findings with the house finance committee on or before November 30, 2011.

216 Distribution of Rooms and Meals Tax; Division of Travel and Tourism Development. Notwithstanding any other provision of law, for the biennium ending June 30, 2013, the state treasurer shall suspend the

distribution of net income pursuant to RSA 78-A:26, I(a)(2) credited to the department of resources and economic development, division of travel and tourism development.

217 Legislative Branch; Special Account; Transfer to the General Fund.

I. For fiscal year 2011, after applying the reductions authorized by SS 2010, 1:30 and 2010, 4, all unexpended and unencumbered appropriations of the legislative branch, except the state house visitor's center revolving fund established pursuant to RSA 17-E:7 shall be transferred to a special legislative account and any amount in the account in excess of \$3,000,000 shall be transferred to the general fund.

II. The legislative accountant shall allocate the original \$3,000,000 special legislative account into 4 separate and equal subaccounts. Individual subaccounts shall be established for the senate, the house of representatives, the joint offices, and the office of legislative budget assistant. Beginning in fiscal year 2012 and each year thereafter all unexpended and unencumbered appropriations shall be transferred to the appropriate subaccount. Any subaccount with a balance in excess of \$750,000 at the end of the fiscal year shall transfer the excess to the general fund.

III. Funds may be transferred from the senate's subaccount with prior approval of the senate subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the house of representatives' subaccount with prior approval of the house subcommittee established pursuant to RSA 17-E:5. Funds may be transferred from the joint offices' subaccount with prior approval of the joint committee on legislative facilities established pursuant to RSA 17-E:1. Funds may be transferred from the office of legislative budget assistant's subaccount with prior approval of the fiscal committee of the general court established pursuant to RSA 14:30-a.

218 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

548:17 Salaries. The annual salary of the registers of probate shall be \$100 per year.

219 Judicial Appointments; Number Limited; Vacancies.

I. Except as provided in paragraph II, for the biennium ending June 30, 2013 the number of judges serving on the superior court shall not exceed 18 and the number of full-time judges serving on the circuit court shall not exceed 28.

II. For the biennium ending June 30, 2013:

(a) An existing marital master position may be converted to a judge position if such conversion can be made within the limits of the judicial branch operating budget and is approved by the fiscal committee of the general court.

(b) If a marital master retires or resigns, the vacant marital master position shall be filled by a judge, if such position can be filled within the limits of the judicial branch operating budget and is approved by the fiscal committee of the general court. The filling of a marital master position by a judge shall increase the authorized number of circuit court judges allowed under paragraph I for each position so filled.

220 Navigation Safety Fund. Amend RSA 270-E:6-a to read as follows:

270-E:6-a Navigation Safety Fund. There is established the navigation safety fund which shall be ~~[nonlapsing and]~~ continually appropriated to the department of safety, division of ~~[safety services]~~ **state police**. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The fund shall only be used to promote the safety of navigation and the

administration and enforcement of RSA 270, RSA 270-B, RSA 270-D, and RSA 270-E. ***Any balance remaining in the navigation safety fund at the close of each fiscal year shall lapse to the general fund.***

221 Fines Paid by Mail; General Fund. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to the summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of the division of motor vehicles within 30 days of the date of the summons. The director of the division of motor vehicles may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is credited ~~as agency income~~ ***to the general fund*** and not out of the penalty assessment charged by the district court. The director of the division of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund and the judicial branch information technology fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the state treasurer, and shall be credited ~~as agency income by the department of safety~~ ***to the general fund*** within 14 days of their receipt.

222 Legislation Granting Rulemaking Authority. Amend RSA 14:39-a to read as follows:

14:39-a Legislation Granting Rulemaking Authority. Any member of the house of representatives or senate proposing legislation which includes provisions granting rulemaking authority to any agency as defined in RSA 541-A:1, II, shall include an explanation of the intent for the proposal relative to the parameters under which rulemaking authority under RSA 541-A may be used. Rulemaking provisions in proposed legislation shall not grant broad authority for the adoption of rules, including general authority to implement a program ***or to adopt fees***, but shall specify the issues to be addressed by rules ***and the amount of any fee***.

223 Carnival-Amusement Operators Rules. Amend RSA 321-A:2 to read as follows:

321-A:2 Rules. The commissioner shall adopt rules, ~~[in consultation with the amusement ride advisory board and]~~ pursuant to RSA 541-A, for the safe installation, repair, maintenance, use, operation, and inspection of all carnival or amusement rides, air supported structures, and amusement attractions, as covered by this chapter, for the protection of the general public. The rules shall be based upon generally accepted engineering standards, formulas, and practices.

224 Reference Changed. RSA 321-A:1, IV is repealed and reenacted to read as follows:

IV. "Department" means the department of safety.

225 Drug-Free School Zones; Penalty Assessment. Amend RSA 193-B:7 to read as follows:

193-B:7 Penalty Assessment[; Sign Fund].

[I.] In addition to the penalties imposed under RSA 193-B:6, I and RSA 318-B:26, V, every court shall levy a penalty assessment of \$100 for an offense in violation of RSA 193-B:2. ~~[Such penalty assessment shall be used to provide and replace drug-free school zone signs.~~

~~H. There is created the drug-free school zone sign fund in the department of education to be administered by the commissioner of education.]~~ The clerk of each court shall collect all penalty assessments and, notwithstanding RSA 6:11, shall transmit the amount collected ~~[under paragraph I designated for the drug-free school zone sign fund to the department of education]~~ **to the general fund.**

226 Repeal. RSA 6:12, I(b)(212), relative the drug-free school zone sign fund, is repealed.

227 Special Education; State Aid. Amend RSA 186-C:18, IV to read as follows:

IV. The state shall appropriate [\$300,000] **an amount** for each fiscal year to assist special education programs that are statewide in their scope, and that meet the standards for such programs established by the state board of education. Funds under this paragraph shall be administered and distributed by the state board of education through the commissioner.

228 Committee Established.

I. There is established a committee to study the relationship between the department of education and local education authorities.

II. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall study the relationship between the department of education and local education authorities, including a review of the methodology of determining tuition rates for career and technical education programs and the role of state funding in that determination process. The committee shall identify and recommend legislation for changes in that relationship in order to realize savings at the state level, the local level, or both. The committee may solicit information and testimony from those with experience or expertise relevant to the study.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

229 Transfer of Marine Patrol from Department of Safety, Division of Safety Services, to the Division of State Police.

I. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding of the

department of safety, division of safety services, relative to the marine patrol bureau shall be transferred to the division of state police. The transfer provided in this section shall include all of the equipment, books, papers, and records related to marine patrol functions.

II. All existing rules, statutory responsibilities, regulations, and procedures relating to the marine patrol in effect, in operation, or adopted in or by the department of safety are transferred to the division of state police, and are declared in effect and shall continue in effect until rescinded, revised, or amended in accordance with applicable law.

230 New Subparagraph; State Police; Duty Added; Marine Patrol. Amend RSA 21-P:7, I by inserting after subparagraph (f) the following new subparagraph:

(g) Carrying out the duties assigned to the marine patrol bureau.

231 Saltwater Fishing License; Fees. Amend RSA 214:9, XVI(e) to read as follows:

(e) The following fees shall apply:

(1) [~~\$15~~] **\$10** for resident and nonresident individuals.

(2) [~~\$75~~] **\$50** for charter boats and other for-hire vessels, except party boats.

(3) [~~\$150~~] **\$100** for party boats.

232 Committee Established.

I. There is established a committee to study funding options for the police standards and training council and the department of safety, division of fire standards and training and emergency medical services, including the option of charging attendees an amount for tuition.

II.(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Two members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study various funding options for the police standards and training council and the department of safety, division of fire standards and training and emergency medical services, including the option of charging attendees an amount for tuition. The committee may solicit information and testimony from those with experience or expertise relevant to the study.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

233 Fish and Game Department; Divisions Established. For the biennium ending June 30, 2013, there are established the following divisions, as defined in RSA 21-G, within the fish and game department:

I. The marine division, as specified in RSA 211:65.

II. The fisheries division.

III. The wildlife division.

IV. The business division.

V. The facilities and lands division.

VI. The law enforcement division.

VIII. The office of the executive director.

VIII. Encourage law enforcement personnel [and personnel within the division of safety services] to assist, whenever possible, the traveling public by providing them with a hospitable reception and appropriate information.

VI. Nothing in this section shall be construed to limit, restrict, or modify in any way authority granted to the commissioner of safety or the director of ~~[safety services]~~ **state police** to remove or impound boats or moorings pursuant to RSA 270 or RSA 270-B.

21-P:10-b [~~Division of Safety Services~~] Report and Budget.

II. In conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include ~~[financial responsibility for and the costs of all training and educational programs offered or contracted by the division of safety services;]~~ the revenue generated from safe boater education certificates[;] and all revenues and expenditures of the navigation safety fund established in RSA 270-E:6-a.

237 Compensation of Certain State Officers; Salaries Established.
Amend RSA 94:1-a, I(b) as follows:

FF Department of safety director of safety services

238 Reference Deleted. Amend RSA 153:9 to read as follows:

153:9 Assistants, Clerical. Subject to the state personnel regulations, and within the limits of available appropriations and funds, the [~~director of safety services,~~] department of safety[;] shall furnish such additional clerical and secretarial assistants as may be necessary to carry out the duties and functions of the state fire marshal.

239 Endangered Wildlife Species. Amend RSA 212-A:5, IV to read as follows:

IV. The executive director ~~[and the director of safety services]~~ may ~~[independently or in concert]~~ adopt and enforce rules temporarily restricting boat traffic on any waters of this state as ~~[either]~~ ***the executive*** director deems necessary to protect any threatened or endangered species of wildlife in the earliest stages of life.

240 Reference Deleted. Amend RSA 225-A:1-a to read as follows:

225-A:1-a Administratively Attached. The passenger tramway safety board shall be an administratively attached agency, under RSA 21-G:10, to the department of safety[~~, division of safety services~~].

241 Reference Deleted. Amend RSA 225-A:2, II to read as follows:

II. "Department" means the department of safety[, division of safety services].

242 Passenger Tramway Safety Board. Amend RSA 225-A:3-a to read as follows:

225-A:3-a Passenger Tramway Safety Board. There shall be a passenger tramway safety board of 4 appointive members [~~and the director of safety services ex officio~~]. The appointive members shall be appointed by

the governor, with the advice and consent of the council, from persons representing the following interests: one member who operates a "surface lift" as [defined] **described** in RSA 225-A:2, I(e)-(g) only and one member from the cable and other passenger carrying devices industry, and in making such appointments consideration shall be given to recommendations made by members of the industry, so that both the devices which pull skiers riding on skis and the devices which transport passengers in cars or chairs shall have proper representation; one member to represent the public at large; and one member to represent insurance companies which engage in insuring passenger tramway operations, and in appointing such member consideration shall be given to recommendations made by such insurance companies. The authority of such board shall not extend to any other matter relative to the operation of a ski area.

243 Reference Changed. Amend RSA 270:1-a, I to read as follows:

I. The operator of a vessel who knows or reasonably should have known that he or she has just been involved in any accident that involved death, personal injury, or damage to property, shall immediately stop said vessel at the scene of the accident, render any assistance that he or she is capable of giving to the occupants of any other vessel involved in the accident, and give the operator or owner of any other vessel involved in such accident, and to any person injured, and to the owner of any property damaged, the operator's name and the owner's name and address, the vessel registration number, and the name and address of each occupant. If by reason of injury or absence or removal from the place of the accident or other cause, such injured person, or operator of such other vessel, or owner of the property damaged, or any of them, is unable to understand or receive the information required in this section, such information shall be given to any marine patrol officer or other police officer with jurisdiction arriving at the scene of the accident or immediately to a marine patrol officer or other police officer at the nearest police station or at marine patrol headquarters. Any person operating a vessel that is in any manner involved in the accident shall, within 15 days after such accident, report in writing to the [division] **department** of safety [services] the facts required hereunder together with a statement of the circumstances if any person is injured or killed or if damage to property is in excess of \$2,000. If the operator is physically or mentally incapable of making such report, the owner of the vessel involved in the accident or the owner's representative shall, after learning of the accident, forthwith make such report. The operator or the owner shall furnish to the [division] **department** such relevant information as the [division] **department** shall require.

244 Reference Changed. Amend RSA 270:1-b to read as follows:

270:1-a, I or otherwise fails to comply with the requirements relating to injury to property, or relating to the report to be made to the [division] **department**, shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if any other person. Whoever fails to comply with the requirements when death or personal injury resulted or whoever gives information required knowing or having reason to believe that such information is false, or fails to comply with any of the other requirements thereof shall be guilty of a class B felony.

245 Reference Changed. Amend the introductory paragraph of RSA 270:12-a, I to read as follows:

I. The director of [~~the division of safety services~~] **state police** and his or her duly authorized representatives shall have all the powers of a peace officer in all counties in the state in the enforcement of:

246 Reference Changed. Amend RSA 270:12-a, I-a to read as follows:

I-a. The director of [~~safety services~~] **state police** and his *or her* duly authorized representatives shall be authorized to call upon any peace officer to render assistance to them in the performance of their duties and shall render assistance to any peace officer having jurisdiction in the area when so requested.

247 Reference Changed. Amend RSA 270:12-a, III to read as follows:

III. The director of [~~the division of safety services~~] **state police** shall adopt rules pursuant to RSA 541-A prescribing the type and amount of training required for his *or her* duly authorized representatives to perform their duties under this section.

248 Reference Changed. Amend RSA 270:12-c, I to read as follows:

I. The commissioner of safety may establish a force of individuals to assist the director of [~~safety services~~] **state police** and the marine patrol officers to patrol the various bodies of water in the state. Any person that patrols any water body on behalf of the department shall either be a certified marine patrol officer or an auxiliary officer appointed under the provisions of this section.

249 Reference Changed. Amend RSA 270:26, IV(a) to read as follows:

IV.(a) Any person who knowingly places a swim line in any public body of water without first obtaining a permit issued by the director of [~~safety services~~] **state police** shall be guilty of a violation.

250 Reference Changed. Amend RSA 270:27 to read as follows:

270:27 Boat Racing. No commercial boat, private boat, or sail boat shall race with another such boat over a predetermined course on any of the public waters of the state unless the course is laid out and marked in a manner satisfactory to the director of [~~safety services~~] **state police** and said race is held under a permit issued by said director to a recognized sponsoring organization stating the date and place of the race.

251 Reference Changed. Amend RSA 270:32, III to read as follows:

III. The director of [~~safety services~~] **state police** may prohibit further scuba activity, in addition to the penalties prescribed in either paragraph I or II, until the provisions of RSA 270:31 have been complied with.

252 Reference Changed. Amend RSA 270:36, I to read as follows:

I. "Director" means the director of the division of [~~safety services~~] **state police**.

253 References Changed. Amend RSA 270:45, II-III to read as follows:

II. Boats involved in or attending a fireworks display, a boat parade, a boat race, or any other such public events as the director of [~~safety services~~] **state police** may designate;

III. Boats which have converged at the direction of the director of [~~safety services~~] **state police** or the executive director of fish and game or the agents of either in order to protect members of any threatened or endangered species of wildlife which [~~the director of safety services~~ *or*] the executive director of fish and game deems to be in immediate danger;

254 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, I to read as follows:

I. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of [~~safety services~~] **state police** shall be assessed an administrative penalty of \$200 to be paid to the director of [~~safety services~~] **state police** who shall forward such sum to the state treasurer for deposit in the navigation safety fund established under RSA 270-E:6-a:

255 Reference Changed. Amend RSA 270:46-a, II to read as follows:

II. Any person who pays such penalty and who, within 6 months of conviction, completes at such person's own expense a boat safety classroom course as specified in rules adopted, under RSA 541-A, by the director of ~~[safety services]~~ **state police** shall have his or her \$200 refunded to him or her from the navigation safety fund by the director.

256 Reference Changed. Amend the introductory paragraph of RSA 270:46-a, III to read as follows:

III. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of ~~[safety services]~~ **state police**, and who has not already successfully completed an approved boating safety course shall complete a boat safety classroom course, at that person's own expense, within 6 months of conviction. Any person who fails to complete the boat safety classroom course within 6 months may be prevented from reregistering the boat:

257 References Changed. Amend RSA 270:59, I-II to read as follows:

I. "Director" means the director, division of ~~[safety services]~~ **state police**, department of safety.

II. "Division" means the division of ~~[safety services]~~ **state police**, department of safety.

258 Reference Changed. Amend RSA 270:65 to read as follows:

270:65 Special Exceptions. The division of ~~[safety services]~~ **state police** shall propose rules to develop standards for granting special exceptions for the placement of from 2 to 4 moorings adjacent to a shorefront property. The placement of 5 or more moorings adjacent to a shorefront property shall require approval pursuant to RSA 270:67, I and II.

259 References Changed. Amend RSA 270:67, I(a) to read as follows:

(a) The division of ~~[safety services]~~ **state police** shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the division of ~~[safety services]~~ **state police** shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of ~~[safety services]~~ **state police** that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal may be conducted by the division of ~~[safety services]~~ **state police**. The division of ~~[safety services]~~ **state police** shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

260 References Changed. Amend RSA 270:67, II(a) to read as follows:

(a) The division of ~~[safety services]~~ **state police** may identify suitable locations for congregate mooring fields. In determining said locations the division of ~~[safety services]~~ **state police** shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the division of ~~[safety services]~~ **state police** that adequate access exists to serve the needs of the users of the congregate mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said proposal may be conducted by the division of ~~[safety services]~~ **state police**. The division of ~~[safety services]~~ **state police** shall review all recommendations received

and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

261 Reference Changed. Amend RSA 270:67, II(d) to read as follows:

(d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the division of [~~safety services~~] **state police** who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

262 Reference Changed. Amend RSA 270:115 to read as follows:

270:115 Connecticut River. The department of safety, division of [~~safety services~~] **state police**, shall post at all boat launching sites on the Connecticut River, within the jurisdiction of the state, a speed limit of headway speed within 150 feet of the shoreline. Any person who violates the posted speed limits shall be guilty of a violation.

263 Reference Changed. Amend RSA 270:132 to read as follows:

270:132 Silver Lake. The division of [~~safety services~~] **state police** shall institute a no wake order encompassing all of Silver Lake whenever the department of environmental services gauging station on Silver Lake measures 467.0 feet or more above sea level. The order shall remain in effect until the measure falls below 467.0 feet.

264 Reference Changed. Amend RSA 270-B:3 to read as follows:

270-B:3 Jurisdiction. The director of [~~safety services~~] **state police** or his *or her* authorized representatives may impound any such abandoned boat or may order the removal and storage at a place of safe keeping of any such abandoned boat. All reasonable charges of such impoundment, removal, and storage shall be a lien against the boat.

265 Reference Changed. Amend RSA 270-B:3-a to read as follows:

270-B:3-a Improperly Registered or Equipped Boats. Nothing in RSA 270-B:3 shall be construed as limiting the power of the director of [~~safety services~~] **state police** or his *or her* authorized representatives to tow any boat which they find being operated without proper registration or equipment, but such boat shall not be considered to be abandoned and the provisions of this chapter relating to impoundment, removal, and storage shall not apply.

266 Reference Changed. Amend RSA 270-B:4 to read as follows:

270-B:4 Notification. The director of [~~safety services~~] **state police** shall notify the owner, if known, of the fact of such impoundment, removal, and storage. If the abandoned boat is registered in this state, such notification shall be mailed to the person identified as the owner on the registration at the address listed on said registration. If the boat is not so registered, notice shall be placed on file with the director of motor vehicles and published in a newspaper of general circulation.

267 Reference Changed. Amend RSA 270-B:7 to read as follows:

270-B:7 Disposal. Upon expiration of the 90-day period identified in RSA 270-B:5, the director of [~~safety services~~] **state police** may dispose of any unredeemed boat by destroying such boat or by offering such boat for sale at public auction or the director may retain such boat for use by the state; provided, however, that if the boat is sold or retained, the purchaser or the state, in the event of retention, shall pay the cost of impoundment, removal, and storage, and shall obtain release of the lien described in RSA 270-B:3. Any money received by reason of sale of such abandoned boat at public auction shall be deposited in the state general fund.

268 References Changed. Amend RSA 270-D:1, IV-V to read as follows:

IV. "Director" means the director of the division of [~~safety services~~] **state police**, department of safety.

V. "Division" means the division of [~~safety services~~] **state police**, department of safety.

269 Reference Changed. Amend RSA 270-D:2-a to read as follows:

270-D:2-a Boaters Guide. The department of safety, division of [~~safety services~~] **state police**, shall publish the New Hampshire Boaters guide.

270 Reference Changed. Amend RSA 270-D:3, V to read as follows:

V. No person shall be towed on water skis or other appurtenances unless the person is wearing a Coast Guard approved type 1, 2, or 3 PFD, except when directly participating or competing in an American Water Ski Association approved event or exhibition, authorized by a special permit issued by the director of [~~safety services~~] **state police**.

271 Reference Changed. Amend RSA 485-A:14, III to read as follows:

III. The lawful owner of a vehicle shall notify the department of safety, division of [~~safety services~~] **state police**, if any person is injured or killed in an incident involving a submerged vehicle.

272 Reference Changed. Amend RSA 485-A:14, V to read as follows:

V. Any person who fails to remove a submerged or partially submerged vehicle or container, as required by paragraph I, shall be guilty of a violation. Agents of the department of safety, division of [~~safety services~~] **state police**, or any police officer having jurisdiction over the water body, may issue citations for a violation of this section and issue fines of \$500 for each day the vehicle remains in the water.

273 Reference Changed. Amend RSA 487:17, II(d) to read as follows:

(d) Designate, in consultation with the department of fish and game and the division of [~~safety services~~] **state police**, department of safety, restricted use of exotic aquatic weed control areas.

274 Repeal. The following are repealed:

I. RSA 21-P:10, relative to division of safety services.

II. RSA 21-P:10-a, relative to director of safety services.

III. RSA 21-P:48, I(ii). relative to membership of advisory council on emergency preparedness and security.

275 Department of Safety; Special Assistant to the Commissioner. The commissioner of safety is authorized to retain a special assistant to the commissioner for the purpose of assisting the office of the commissioner with special projects determined by the commissioner. The special assistant shall be a temporary unclassified employee and shall be compensated at grade FF under RSA 94:1-a. The authority under this section shall expire on March 1, 2012.

276 Department of Transportation; Use of Contractors. The department of transportation shall manage the highway and bridge betterment program, as defined in RSA 235:23-a, with an emphasis on bidding out the work to contractors and suppliers. Individual projects approaching \$500,000 in value shall be carefully considered for alternate bid procedures for letting and processing the construction. A report detailing project costs, contracting method, and the private contractors, vendors, and suppliers directly involved in the overall construction shall be prepared by the department of transportation, if requested by the house public works and highways committee, and presented to the house public works and highways committee within 6 months of the request.

277 Committee Established. There is established a committee to develop a plan to increase the usage of contractors to perform certain duties of the department of transportation, in order to achieve a savings of highway funds.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall develop a plan to increase the usage of contractors to perform certain duties of the department of transportation, in order to achieve a savings of highway funds. The committee may solicit information and testimony from those with experience or expertise relevant to the issue including potential contractors and other states with high contractor utilization rates.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

278 Foster Grandparent Program. The reimbursements to the foster grandparent program through the senior volunteer grant program established in RSA 161-F:40 are hereby suspended for the biennium ending June 30, 2013.

279 Department of Health and Human Services; Children in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as follows:

II. "Child in need of services" means a child under the age of 18 with a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C.

280 Department of Health and Human Services; Children in Need of Services. Amend RSA 169-D:5, I to read as follows:

I. A petition alleging a child is in need of services may, ***with the consent of the department***, be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

281 Reference To CHINS Definition. Amend RSA 189:36, II to read as follows:

II. A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, [H(a)] ***II*** until all steps in the school district's intervention process under RSA 189:34, II have been followed.

282 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, VI to read as follows:

VI. Nothing in this section shall be construed to affect any obligation to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, ***the state chil-***

dren's health insurance program authorized by 42 U.S.C. section 1397aa et seq., or the provision of services to an individual under any other federal or state law.

283 Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-E:2, IV to read as follows:

IV. Nothing in this section shall be construed to affect any obligation by a school district or the state of New Hampshire to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, ***the state children's health insurance program authorized by 42 U.S.C. section 1397aa et seq.,*** or the provision of services to an individual under any other federal or state law.

284 Repeal. RSA 170-F, relative to discretionary adoption subsidies for hard to place children, and administrative rule He-C 6438, relative to adoption subsidies, are repealed.

285 Department of Health and Human Services; Adoption Assistance Program. The department of health and human services shall administer its adoption assistance program consistent with federal law and regulations and the state's Title IV-E plan for foster care and adoption assistance.

286 Assistance Program for 2-Parent Families with Dependent Children; Case-Load Management. Amend RSA 167:77-e to read as follows:

167:77-e Assistance Program for 2-Parent Families with Dependent Children. The department may establish a non-TANF, state-funded financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter. ~~[In order to meet the federal work participation rate and avoid federally imposed penalties, the commissioner may add additional groups of families to this state-funded, financial assistance program as funding permits and also may transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.]~~

287 Employment Program Eligibility; Case-Load Management. Amend RSA 167:79, I(b) to read as follows:

(b) A needy child who is deprived of parental support or care by reason of unemployment or underemployment of a parent may receive assistance under TANF or under the state-funded assistance program in RSA 167:77-e. ~~[In order to meet the federal work participation rate and avoid federally imposed penalties, the commissioner may add additional groups of families to the state funded assistance program in RSA 167:77-e as funding permits and transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.]~~

288 Emergency Assistance Program for Aid to Families with Dependent Children. Amend RSA 167:7, V to read as follows:

V. Subject to applicable federal regulations, the commissioner may establish criteria to operate a special needs program, ~~[or to operate an emergency assistance program only for aid to families with dependent children,]~~ subject to the amount of available funds in the budget of the department of health and human services.

289 New Paragraph; Public Assistance Eligibility. Amend RSA 167:6 by inserting after paragraph IX the following new paragraph:

X.(a) For purposes hereof, an individual is ineligible for cash assistance benefits under the aid to the needy blind, aid to the permanently and totally disabled, and old age assistance programs for any month during which he or she is:

(1) Fleeing to avoid prosecution for a crime which is a felony under the laws of the place from which the individual flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that state; or

(2) Fleeing to avoid custody or confinement after conviction for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of that state; or

(3) Violating any condition of probation or parole imposed under federal or state law.

(b) Suspension of benefit payments because an individual is a fugitive as described in subparagraph (a)(1) or (a)(2) or a probation or parole violator as described in subparagraph (a)(3) is effective on the first day of whichever of the following months is earlier:

(1) The month in which a warrant or order for the individual's arrest or apprehension, an order requiring the individual's appearance before a court or other appropriate tribunal, such as a parole board, or a similar order is issued by a court or other duly authorized tribunal on the basis of an appropriate finding that the individual:

(A) Is fleeing, or has fled, to avoid prosecution as described in subparagraph (a)(1);

(B) Is fleeing, or has fled, to avoid custody or confinement after conviction as described in subparagraph (a)(2);

(C) Is violating, or has violated, a condition of his or her probation or parole as described in subparagraph (a)(3); or

(D) The first month during which the individual fled to avoid such prosecution, fled to avoid such custody or confinement after conviction, or violated a condition of his or her probation or parole, if indicated in such warrant or order, or in a decision by a court or other appropriate tribunal.

(2) If benefits are otherwise payable, they shall be resumed effective on the first month throughout which the individual is determined to be no longer fleeing to avoid such prosecution, fleeing to avoid such custody or confinement after conviction, or violating a condition of his or her probation or parole.

290 Department of Health and Human Services; Public Assistance; Definitions. Amend RSA 167:6, VI to read as follows:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act, except that the minimum required duration of the impairment shall be 48 months, unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j. In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. ***Notwithstanding any provision of law to the contrary, eligibility for cash assistance and medical assistance shall be conditioned upon the recipient filing an application or applications for any federal cash assistance benefits for which the individual may be entitled and pursuing any appeals available for those federal benefits. Cash assistance shall terminate upon a finding of clinical ineligibility for such federal benefits, except that any individual receiving cash assistance on June 30, 2011 shall only be ineligible for***

cash assistance upon a second finding of clinical ineligibility. Notwithstanding any provision of the law to the contrary, an individual who appeals the closure of cash assistance, pursuant to RSA 161:4, IV, for the reasons set forth in this paragraph, shall not continue to receive such cash assistance benefits during the pendency of such appeal. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

291 Health and Human Services; Drug Rebates, Regular Care. Notwithstanding any provision of law to the contrary, funds collected into revenue source code 407041 Drug Rebates – Regular Care shall be deposited into a restricted revenue account to be used by the department of health and human services for expenditures in accounting unit 05-95-95-956010-6143 Pharmacy Services in an amount not to exceed \$18,851,601 in fiscal year 2012, and \$20,114,823 in fiscal year 2013. Revenue in excess of said amounts shall continue to be deposited as unrestricted revenue into the state general fund.

292 Department of Health and Human Services, Outpatient Prospective Payment. The general court recognizes the need for increased transparency and uniformity in the Medicaid hospital outpatient reimbursement methodology. The commissioner of the department of health and human services shall implement a single fee schedule for procedures performed in hospital or non-hospital ambulatory surgical centers as an interim step while awaiting implementation of a hospital outpatient prospective payment methodology. The fee schedule shall reflect non-hospital ambulatory surgical center reimbursement rates in effect as of the effective date of this section. The commissioner shall set the outpatient prospective payment system conversion factor to maintain compliance with 42 U.S.C. section 1396a(a)(30)(A) and RSA 126-A:3, VII(a) and ensuring the Medicaid program pays only the most favorable and acceptable rate for outpatient services. The commissioner shall have authority, consistent with RSA 126-A:3, VII(a), to propose reductions to the conversion factor so as not to exceed the outpatient appropriation for the biennium. In determining the adequacy of the reimbursement rate, the commissioner shall rely upon the findings of the biennial benchmarking report mandated by RSA 126-A:18-b.

293 Department of Health and Human Services; Division of Community Based Care, Bureau of Behavioral Health. For the biennium ending June 30, 2013, no state appropriations shall be used by the department of health and human services for contracts with the Dartmouth Psychiatric Research Center or the Behavioral Health Policy Institute.

294 Department of Health and Human Services; Position of Medical Director Suspended. The position of medical director established by RSA 135-C:6, VI within the department of health and human services is suspended for the biennium ending June 30, 2013.

295 Family Support Services. RSA 126-G, relative to family support services, is hereby suspended for the biennium ending June 30, 2013.

296 Funding for Alzheimer's Disease. Suspension. Notwithstanding any provision of law to the contrary, the department of health and human services shall suspend funding for the Alzheimer's disease and related disorders (ADRD) program for the biennium ending June 30, 2013.

297 Congregate Housing and Congregate Services. Congregate services provided pursuant to RSA 161-F:37 and congregate housing provided under the Medicaid waiver pursuant to RSA 151-E are hereby suspended for the biennium ending June 30, 2013.

298 New Section; Health and Human Services; Sean William Corey Program; Home Health Aide Services for Children who are Medically Fragile or Children with Chronic Illness; Pilot Program. Amend RSA 126-A by inserting after section 4-g the following new section:

126-A:4-h Home Health Aide Services for Children who are Medically Fragile or Children with Chronic Illness; Pilot Program.

I. The parent of a child described in paragraph II may be authorized by the department to provide home health aide services to his or her child if the parent:

- (a) Is employed by a licensed home health agency;
- (b) Is reimbursed through the Medicaid program for the care of his or her child only; and

(c) Meets the undue hardship standard in paragraph III.

II. A child is eligible for home health aide services if the child is medically fragile or has a chronic illness and such child:

- (a) Is aged birth to 19;
- (b) Has a medical diagnosis of an acute onset medical condition or a chronic medical condition;
- (c) Requires a nursing facility or hospital level of care, as defined in RSA 167:3-g;
- (d) Resides at home; and

(e) Is determined eligible for the home health aide service through the use of a standardized rating tool developed by the department.

III. The department may authorize reimbursement to a parent providing home health aide services in the case of undue hardship. Subject to approval from the Centers for Medicare and Medicaid Services, this section shall apply only to families whose income is no greater than 200 percent of the federal poverty limit. Such reimbursement shall occur only when the department determines that the needs of the child, the unavailability of appropriate providers or suitable alternative care services, and cost efficiencies make utilization of a parent for the provision of such services necessary and appropriate. Reimbursement shall be limited to care that is medically necessary due to specific health needs and shall not be made for care generally expected and provided by parents to a child of similar age and developmental stage. The department shall not authorize reimbursement to a parent until a plan and rules adopted pursuant to RSA 541-A, are reviewed and approved by the oversight committee on health and human services, established in RSA 126-A:13.

IV. The department shall establish a Medicaid reimbursement rate for home health aide services. Such reimbursement rate shall be based on the current average wage of personal care workers reimbursed through the Medicaid program and the cost of nursing supervision required by federal law for unskilled care. The annual expenditure for such service shall not exceed \$25,000 per child and the home health agency shall not retain more than 10 percent of the Medicaid reimbursement rate received for the home health aide service.

V. No more than 10 Medicaid-eligible children may receive home health aide services under the program at any given time.

VI. The department shall operate the program established in this section as a 3-year pilot program, beginning July 1, 2011, at the end of which time the department shall evaluate its success and recommend its continuation, expansion, or conclusion. The department of health and human services shall provide an annual report on the pilot program to the fiscal committee of the general court. The report shall be filed with the chairperson of the committee by July 1 of each year beginning July 1, 2012.

299 Repeal. RSA 126-A:4-h, as inserted by section 298 of this act, is repealed.

300 New Subparagraph; Duties; Office of Reimbursements. Amend RSA 126-A:34 by inserting after subparagraph (f) the following new subparagraph:

(g) Consistent with RSA 126-A:42, II, file a notice of lien with the register of deeds of the county in which the patient or resident of any of the institutions named in RSA 126-A:34 or at a public or private institution owns real property.

301 New Paragraph; Recovery of Expenses; Liens Allowed. Amend RSA 126-A:42 by inserting after paragraph I the following new paragraph:

I-a. The department shall file with the register of deeds of the county in which the patient or resident or the spouse of the patient or resident, if any, owns real property, notice of the lien for reimbursement of expenses, as provided in RSA 126-A:37, after providing all owners of the real property known to the department with prior notice and an opportunity for a hearing. Such notice of lien shall contain the names of the patient or resident and that patient's or resident's spouse, if any. All such liens shall continue until released by the department. The register of deeds shall keep a suitable record of such notices of lien without charging any fee therefor and enter on the record an acknowledgment of satisfaction or release upon written request from the department.

302 Recovery of Expenses. Amend RSA 126-A:42, III to read as follows:

III. In an action by the state for recovery of the expenses of a patient or resident at any of the institutions named in RSA 126-A:34 who is discharged from the institution, or is dead, the action shall be brought within 6 years after the person's discharge or death. ~~[An action by the state against the estate of a patient or resident or against an estate legally chargeable for expenses as provided in RSA 126-A:37 may not be brought unless the action is commenced within the time allowed for an action against an administrator by RSA 556:5.]~~ ***Notwithstanding RSA 556:5 or any other provision of law to the contrary, the administrator of the estate of a patient or resident at any of the institutions named in RSA 126-A:34 or at a public or private institution shall be conclusively presumed to have accepted a claim for reimbursement of expenses as provided in RSA 126-A:37 which is subject to the jurisdiction of the probate court unless, within 12 months from the initial grant of administration, the administrator commences an equitable action in the superior court challenging the validity or amount of the department's claim and lien.***

303 New Section; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 458 by inserting after section 19-a the following new section:

458:19-b Medical Assistance Recipient; Notice of Petition for Spousal Support.

I. If the petitioner or respondent is a recipient of medical assistance under the state Medicaid program, the petitioner shall serve the department of health and human services with a copy of any petition for spousal support filed under this chapter.

II. The department of health and human services shall have the opportunity to address the court in any proceeding under this section if the court has concerns relative to:

(a) The impact on the recipient of any period of Medicaid ineligibility that would result from the allocation of income or assets;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the recipient's care to be paid by Medicaid as the result of the proposed allocation of income or assets.

304 Estate and Income Planning by Guardian. Amend RSA 464-A:26-a, I and II to read as follows:

I. The probate court may authorize the guardian of the estate to make lifetime gifts, **to allocate income**, and/or to plan for the testamentary distribution of the ward's estate consistent with the ward's wishes. If the ward's wishes cannot be ascertained, the probate court may authorize the guardian of the estate to plan for the testamentary distribution of the ward's estate in order to minimize taxation or to facilitate distribution of the ward's estate to family, friends, or charities who would be likely recipients of gifts from the ward.

II. Before authorizing a guardian to make lifetime gifts **or to allocate income**, the probate court shall consider the ward's present and anticipated future expenses for maintenance, support, and medical care, any current or future debts of the ward, and any duty or legal obligation of the ward to support a spouse or dependent family members.

305 Estate and Income Planning by Guardian. Amend the introductory paragraph and subparagraphs (a) and (b) of RSA 464-A:26-a, III to read as follows:

III. The guardian of the estate shall petition the probate court for authorization to make lifetime gifts, **to allocate income**, and/or to plan for the testamentary distribution of the ward's estate. This petition shall include the following information:

(a) A description of the proposed action;

(b) The anticipated results including any income, estate, or inheritance tax savings, and, if the gift is being made in order to qualify the ward for Medicaid, **[any resulting] whether the action will maximize payments by Medicaid for the ward's care or result in a period of Medicaid disqualification;**

306 Estate and Income Planning by Guardian. Amend RSA 464-A:26-a, VI and VII to read as follows:

VI. The probate court, prior to authorizing a lifetime gift **or an allocation of income to the ward's spouse**, shall appoint a guardian ad litem if the proposed gift benefits the guardian personally or otherwise creates a potential conflict of interest between the ward's interests and the guardian's personal interests.

VII. The department of health and human services, **the** county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if the court has concerns relative to:

(a) The impact on the ward of any period of Medicaid ineligibility that would result from the proposed gift; **[or]**

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; **or**

(c) **The cost of the ward's care to be paid by Medicaid as the result of the proposed gift or income reallocation.**

307 Family Planning Accounting Unit; Funding Abortions Prohibited. Notwithstanding any provision of law to the contrary, the appropriation in accounting unit 05-95-90-902010-5530, family planning program, and any other funds shall not be used for evaluation, assessment, consultation about, preparation for, or provision of an abortion.

308 New Hampshire Healthy Kids Corporation. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality ~~[and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. The corporation shall be the program administrator for the state children's health insurance program under Title XXI of the Social Security Act].~~ The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. ~~[Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.]~~

309 Healthy Kids Board; Authority to Secure Staff. Amend RSA 126-H:5, I(g) to read as follows:

(g) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from ~~[state funds appropriated by the legislature and such other private or public funds as become]~~ available **private funds**. The board of directors shall determine the number of staff members necessary to administer the corporation.

310 Healthy Kids Board. Amend the introductory paragraph of RSA 126-H:3, I to read as follows:

I. The powers of the corporation shall be vested in ~~[13]~~ **12** members for 3-year terms of office as follows:

311 Healthy Kids Board; Membership Terms. Amend RSA 126-H:3, II to read as follows:

II. The ~~[initial]~~ terms of office shall be as follows: the members in subparagraphs I(a), (g), and (j) shall serve for 2 years; the members in subparagraphs I(b), (h), (k), and (m) shall serve for 3 years; and the members in subparagraphs I(c), (i), and (l) shall serve for 4 years. The ~~[other]~~ members in subparagraphs I(d);] **and** (e) ~~[and (f)]~~ shall serve terms which are coterminous with their terms in office. Two of the 4 members in subparagraph I(n) shall serve for 3 years, one shall serve for 2 years, and one shall serve for 4 years.

312 Repeal. The following are repealed:

I. RSA 126-H:3, I(f), relative to the commissioner of the department of health and human services.

II. RSA 126-H:6-a, establishing the healthy kids subcommittee, is repealed.

313 Applicability. Sections 308 and 309 of this act shall take effect on the date the commissioner of the department of health and human services certifies to the director of the office of legislative services and the secretary of state that responsibility for the state children's health insurance program has been transferred from the New Hampshire healthy kids corporation to the department's Medicaid managed care program administrator.

314 Department of Health and Human Services; Medicaid Managed Care Reporting. The department of health and human services shall pro-

vide a detailed update on the status of implementation of the Medicaid managed care program for each meeting of the fiscal committee of the general court until the contracts for Medicaid managed care are approved by the governor and council.

315 Reclassification of Positions. For the biennium ending June 30, 2013, the director of the division of personnel shall not approve any reclassification of classified positions which will result in an increase in pay, unless the director obtains a waiver for the specific position from the governor and council.

316 Repeal; Meals and Rooms Tax Operator License Renewal Fee. RSA 78-A:4, II, relative to the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver provisions therefor, is repealed.

317 Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of [~~\$350~~] **\$200**. After January 1, the license fee shall be [~~\$175~~] **\$100**. If after inspection the department finds that the premises[~~;~~] **and** cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of [~~\$350~~] **\$200**. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them, and **shall be** adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than [~~every 6 months~~] **once a year**. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.

318 Condominium Act; Application Fees. Amend RSA 356-B:51, VII to read as follows:

VII. Each application shall be accompanied by a fee in an amount equal to [~~\$50~~] **\$30** per unit, except that the initial application fee shall be not less than [~~\$600~~] **\$300** nor more than [~~\$5,000~~] **\$2,000**, and the fee for any application for registration of additional units shall be not less than [~~\$400~~] **\$200** nor more than [~~\$5,000~~] **\$2,000**.

319 Land Sales Full Disclosure Act; Application Fees. Amend RSA 356-A:5, VII to read as follows:

VII. Every application shall be accompanied by a fee in an amount equal to [~~\$60~~] **\$30** per lot, parcel, unit or interest, except that the initial application fee shall not be less than [~~\$600~~] **\$300** nor more than [~~\$5,000~~] **\$2,000**, and the fee for any application for registration of additional lots, parcels, units or interests shall not be less than [~~\$400~~] **\$200** nor more than [~~\$5,000~~] **\$2,000**.

320 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be [~~\$50~~] **\$45** to be paid by the parties entering into the marriage. The clerk

shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15[~~and \$5 to the state treasurer for deposit in the general fund~~]. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the [~~\$43~~] \$38 portion of the marriage license fee.

321 Repeal. The following are repealed:

I. RSA 167:3-h, I-III, relative to coverage of services and certain items under the medical assistance program.

II. RSA 167:3-c, XIV, relative to rulemaking for a review process for medically necessary services.

322 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

LL Department of information technology commissioner/CIO

323 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

GG Board of medicine executive director

324 Compensation of Certain State Officials; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following position:

EE Department of state, director and state registrar

325 State Veterinarian. Amend RSA 94:1-a, I(b) by:

I. Deleting:

FF Department of agriculture, markets, and food state veterinarian

II. Inserting:

II Department of agriculture, markets, and food state veterinarian

326 Pease Development Authority; Skyhaven. Amend RSA 12-G:14, VI to read as follows:

VI. Notwithstanding any other provision of law, all property formerly held by the department of transportation and transferred to the authority, or acquired by the authority pursuant to this chapter, ***including property that is leased to or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23*** is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof, ***including any property tax assessed by the municipality in which the property is located; provided such property is used for airport or aeronautical related purposes.***

327 Suspension. The following are suspended for each fiscal year of the biennium ending June 30, 2013:

I. RSA 167:3-c, III, relative to rulemaking for funeral expenses.

II. RSA 167:11, relative to funeral expenses to recipients of public assistance.

III. RSA 165:20, relative to reimbursement for aid to assisted persons.

328 Appropriation; Kindergarten Construction Program; Bonds Authorized.

I. The sum of \$3,700,000 for the biennium ending June 30, 2013 is hereby appropriated to the department of education to provide kindergarten construction funds to a school district which is eligible to receive such funds pursuant to RSA 198:15-r and RSA 198:15-s. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Notwithstanding RSA 198:15-r, I(a) and (b), and for the biennium ending June 30, 2013, the commissioner of the department of education shall disburse not more than \$1,000,000 of the kindergarten construction program funds appropriated in paragraph I of this section to a school district eligible to receive such funds.

III. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,700,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. The bonds shall be 20-year bonds.

329 New Section; Joint Board of Licensure and Certification; Administration. Amend RSA 310-A by inserting after section 1 the following new section:

310-A:1-a Administration of the Joint Board. The administrator of the joint board shall be responsible for:

I. The performance of the administrative, clerical, and business processing responsibilities of the boards.

II. Employment of personnel needed to carry out the functions of the boards.

III. Issuance of a license or certification to any applicant who has met the requirements for licensure and denying a license or certification to applicants who do not meet the minimum qualifications for licensure.

IV. Maintenance of the official record of all applicants and licensees.

330 Repeal. The following are repealed:

I. 2008, 3:2, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge.

II. 2008, 3:6, relative to dissolution of the Maine-New Hampshire Interstate Bridge Authority.

331 Kindergarten Construction Program; Eligibility. Amend RSA 198:15-s, III(b) to read as follows:

(b) Construction plans and cost estimates, prepared by a licensed architect. ***Construction plans and cost estimates shall comply with the following:***

(1) To be eligible for reimbursement pursuant to RSA 198:15-r, kindergarten construction shall be approved by the school district's legislative body on or before June 30, 2013.

(2) The number of classrooms shall be based upon the largest projected kindergarten enrollment in the first 5 years following construction, based on a minimum of 20 students per half-day kindergarten class.

(3) Classrooms shall be no larger than 1,000 square feet in size including restrooms and storage space.

(4) Costs shall be limited to the annual maximum eligible cost standards in accordance with RSA 198:15-b, VII, unless waived by the commissioner of the department of education for good cause.

(5) Classroom furniture and equipment purchased for temporary classrooms pursuant to RSA 198:15-r, IV shall be relocated to permanent classrooms or replaced at district expense.

332 State Government Telecommunication Services; Transfer to Department of Safety.

I. All of the functions, positions, powers, duties, responsibilities, and funding for the telecommunication services to state government, formerly authorized by RSA 21-I-12, III, shall be transferred to the division of emergency services and communications, department of safety, on July 1, 2011. The transfer provided in this section shall include all of the equipment, books, papers, and records of the bureau of general services, division of plant and property management, department of administrative services related to telecommunication services to state government.

II. All contracts, rules, statutory responsibilities, regulations, and procedures related to statewide telecommunication services to state government in effect, in operation, or adopted in or by the bureau of general services, division of plant and property management, department of administrative services are transferred to the division of emergency services and communications, department of safety.

333 Bureau of General Services. Amend RSA 21-I:12, III(a) to read as follows:

(a) Providing support services, including but not limited to, mailing[;] **and** messenger[; ~~and telecommunications~~] services to state government.

334 Reference Deleted. Amend RSA 21-P:38 to read as follows:

21-P:38 Emergency Management Powers and Duties Regarding Communications Systems. The division of emergency services and communications shall ascertain what means exist for rapid and efficient communications during natural and man-made disasters. The division shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system which may be established for purposes of emergency management. In studying the character and feasibility of any such system or its several parts, the division of emergency services and communications shall ~~[consult with the department of administrative services and]~~ evaluate the possibility of the multi-purpose use of such a system for general state and local government purposes. The division shall make recommendations regarding such communications systems to the assistant commissioner as appropriate.

335 Duty Added. Amend RSA 21-P:48-a, II to read as follows:

II. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of emergency services and communications. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With general oversight by the assistant commissioner, the director ***shall provide telecommunications services to state government***, shall coordinate the activities of all organizations for emergency 911 telecommunications within the state, state and local, county, and private, and shall maintain liaison with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency telecommunications organizations of other states and of the federal government. The director shall have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

336 Board of Tax and Land Appeals; Members. Amend RSA 71-B:1 to read as follows:

71-B:1 Board Established. There is hereby established a board of tax and land appeals, hereinafter referred to as the board, which shall be composed of ~~[4]~~ **3** members who shall be learned and experienced in questions of taxation or of real estate valuation and appraisal or of both. ~~[At least one member of the board shall be an attorney admitted to practice in New Hampshire.]~~ The members of the board shall be full-time employees and shall not engage in any other employment during their terms that is in conflict with their duties as members of the board.

337 Board of Tax and Land Appeals; Appointment and Terms. RSA 71-B:2 is repealed and reenacted to read as follows:

71-B:2 Appointment; Term; Chairman. The members of the board shall be appointed by the supreme court and commissioned by the governor for a term of 3 years and until their successors are appointed and qualified; provided, however, that any vacancy on the board shall be filled for the unexpired term. The supreme court shall designate one member as chairman to serve in that capacity for the duration of his or her term.

338 Applicability. The provisions of section 337 of this act shall apply to members of the board of tax and land appeals who are appointed after July 15, 2011.

339 Appropriations to Board of Tax and Land Appeals. For the biennium ending June 30, 2013, no appropriation made to the board of tax and land appeals shall be expended for retention of outside counsel.

340 Judicial Branch; General Fund Appropriation Reduction. Notwithstanding 2009, 143:1, the state general fund appropriation for the judicial branch shall be reduced by an additional \$300,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to the reductions required of the judicial branch pursuant to SS 2010, 1:106 and pursuant to 2009, 143:18 and in addition to the reductions undertaken in order to attain the judicial branch's proportional reduction under 2009, 144:289, including, specifically, the reductions effected pursuant to Supreme Court Administrative Order 2010-01. The director of the administrative office of the courts shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before July 30, 2011.

341 Economic Stimulus; Transfer of Funds. Notwithstanding any provision of law to the contrary, the sum of \$900,000 in state fiscal stabilization funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA) and accepted by the fiscal committee of the general court on June 30, 2009 as item 09-240 and approved by the governor and council on June 30, 2009 as item 1, and as subsequently amended, for use by the office of economic stimulus shall be transferred from the office of economic stimulus to the department of corrections, account 02-46-46-463010-7120 on June 30, 2011, to supplant state general fund appropriations at the department of corrections. In addition, the sum of \$300,000 from such ARRA state fiscal stabilization funds is hereby transferred to the audit account established under RSA 6:12, I(b)(89) in order to defray the costs of scheduled ARRA audits. The director of the office of economic stimulus shall be authorized to transfer funds within its remaining appropriations in connection with the winding down and conclusion of its operations on September 30, 2011.

342 Retiree Medical Benefits; Beneficiary Contributions Increased. Amend RSA 100-A:54, III to read as follows:

III. The retirement system shall deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, the premium contribution amounts of [~~\$65 per month~~] **12.5 percent of the total monthly premium** for each such retiree and [~~\$65 per month~~] **12.5 percent of the total monthly premium** for each applicable spouse; provided that the charge to each household shall not exceed [~~\$130 per month~~] **12.5 percent of the total monthly premium for 2 plan participants. The department of administrative services shall provide information as to the total monthly premium cost for each**

participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount.

343 Judicial Retirement Plan; Health Insurance Premium Contributions. Amend RSA 100-C:11-a to read as follows:

100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. Retired judges and spouses under the age of 65 years receiving medical and surgical benefits shall be responsible for payment of a premium contribution amount of ~~[\$65 per month]~~ ***12.5 percent of the total monthly premium*** for each such retiree and ~~[\$65 per month]~~ ***12.5 percent of the total monthly premium*** for each applicable spouse; provided that the charge to each household shall not exceed ~~[\$130 per month]~~ ***12.5 percent of the total monthly premium for 2 plan participants. The department of administrative services shall provide information as to the total monthly premium cost for each participant to the judicial retirement plan for purposes of calculating this deduction.*** The judicial retirement plan shall deduct the payment required under this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

344 Cost Containment Plan for Retiree Health Care Program. The commissioner of the department of administrative services shall develop a comprehensive and cohesive plan outlining cost containment options and managed care techniques available through the underlying insurer and other managed care vendors to generate additional savings for the state of New Hampshire retiree health care program. The cost containment plan shall be developed no later than July 15 and the commissioner of the department of administrative services shall make a report to the fiscal committee of the general court.

345 New Paragraph; Cost Containment Plan for Retiree Health Care Program. Amend RSA 21-I:30 by inserting after paragraph VI the following new paragraph:

VII. As of January 2, 2012, the commissioner of administrative services is authorized to utilize managed care and/or cost containment techniques for the state of New Hampshire retiree health care program through the underlying insurer and any additional specialized managed care or cost containment vendors as necessary. The commissioner may offer financial incentives to encourage the use of lower cost facilities, providers, and services, if the financial incentives are proportionately lower than the savings generated. In addition, the commissioner may offer financial incentives to encourage the use of alternative therapies, treatments, services, providers, and facilities that demonstrate better outcomes including, but not limited to lower complication rates, lower readmission rates, lower rejection rates, lower mortality and morbidity rates, or lower infection rates based on widely and generally accepted measures of such performance.

346 Committee Established; Privatizing Department of Corrections.

I. There is established a committee to develop a plan for privatizing the department of corrections.

II. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall develop a plan for privatizing the department of corrections and shall review the results of the request for proposals issued by the commissioner of administrative services under section 347 of this act.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2011.

347 Request for Proposals. On or before September 1, 2011, the commissioner of administrative services shall issue a request for proposals by vendors for provision of correctional services or any other services provided by the department of corrections.

348 Department of Corrections; Transfer of Inmates from the State Correctional Facility in Concord.

I. Pursuant to the authority granted in RSA 21-H:8, VI-VII, the commissioner of the department of corrections may enter into one or more contracts, as may be necessary, with appropriate private and/or public correctional agencies or facilities and shall make proper and necessary arrangements with such agencies or facilities for the transfer and reception of not more than 600 inmates currently incarcerated at the state correctional facility in Concord.

II. The commissioner of the department of corrections may enter into one or more contracts to carry out pharmaceutical and nursing functions.

III. The department shall not close the North Country facility located in Berlin as a result of meeting the requirements of this section.

IV. If as a result of the transfer of inmates, the commissioner is able to reduce the department's general fund appropriation, the commissioner shall expend any excess funds on the development and implementation of programs and services for the probation, parole, and sentencing of certain offenders required under 2010, 247 (SB 500-FN of the 2010 legislative session), as it may be amended, with the approval of the fiscal committee of the general court.

349 Department of Resources and Economic Development; Cannon Mountain. For the biennium ending June 30, 2011, \$800,000 in revenue derived by the department of resources and economic development from fees, services, accommodations, rentals, revenue from lift and tramway operations, retail sales, and concession operations for Cannon Mountain shall be deposited into the general fund and shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i.

350 Department of Resources and Economic Development; Cannon Mountain. The department of resources and economic development shall deposit \$650,000 in the fiscal year ending June 30, 2012, and \$650,000 in the fiscal year ending June 30, 2013 in revenue derived by the department of resources and economic development from fees, services, accommodations, rentals, lift and tramway operations, retail sales, and concession operations for Cannon Mountain into the state general fund which shall be applied to the negative balance contained in the state park fund established in RSA 216-A:3-i. The department of resources and economic development shall also deposit \$50,000 in each fiscal year of the biennium ending June 30, 2013 into the fish and game search and rescue fund established in RSA 206:42.

351 Lease of Rental Space for Superior Court Center. In consultation with the bureau of court facilities of the department of administrative service, the administrative office of the courts shall identify and lease rental space in which to house the superior court center at a rate of no more than \$11 per square foot, and shall lease no more than 2500 square feet for this purpose.

352 Department of Resources and Economic Development; Transfer of Funds Authorized. The commissioner of the department of resources and economic development may transfer funds between and among the class line appropriations in the highway welcome centers (accounting unit 03-35-35-3520-5919) and may transfer funds between and among the class line appropriations in the turnpike welcome centers (accounting unit 03-35-35-3520-1872) for the biennium ending June 30, 2013. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court of all transfers made under this section. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this section.

353 Department of Health and Human Services; Children's Health Insurance Program Reporting. The department of health and human services shall provide a detailed update on the status of the transition of the healthy kids program from the New Hampshire healthy kids corporation to the department of health and human services Medicaid managed care program for each meeting of the fiscal committee of the general court until the transition to the Medicaid managed care program is complete and any necessary contracts have been approved by the governor and council.

354 Department of Health and Human Services; Hospitals for High Intensive Neonatal and Pediatric Care; Contracts and Rate Setting. Beginning July 1, 2011, the department of health and human services shall only contract with New Hampshire hospitals which provide high intensive neonatal and high intensive pediatric care unless the commissioner of health and human services finds that the high intensive neonatal and high intensive pediatric care needed is not available in New Hampshire, in which case, the department of health and human services may contract with an out-of-state hospital to provide such care. On or before August 1, 2011, the commissioner of health and human services shall develop a new rate structure for high intensive neonatal and high intensive pediatric care for New Hampshire hospitals which provide such care.

355 Department of Health and Human Services; Estate Recovery; Priority of Claims. Amend RSA 554:19 to read as follows:

554:19 Priority of Charges.

I. The administrator of an estate shall make payment of the claims in the following order:

(a) Costs and expenses of administration of the estate.

(b) Reasonable and necessary funeral, burial, and cremation expenses.

(c) Debts and taxes with preference under federal law.

(d) *Claims made for financial and/or medical assistance provided to the deceased by the department of health and human services, as well as under certain circumstances, changes pursuant to RSA 166:19.*

~~(e) Just debts of the deceased[, including claims for medical assistance made by the department of health and human services.~~

~~(e) Total amount paid for old age assistance or aid to the permanently and totally disabled and, under certain circumstances, charges pursuant to RSA 166:19].~~

(f) Legacies given by the will of the deceased or distribution to heirs according to law.

II. No preference shall be given in the payment of any claim over any other claim of the same class.

III. No creditor of a lower class shall receive any payment until all those of the preceding class shall have been fully paid.

356 Appropriations to New Hampshire Public Television. Notwithstanding any other provision of law, any appropriation made in the capital or operating budget for New Hampshire public television shall be made directly to New Hampshire public television, and shall not be appropriated through or expended by the university system of New Hampshire, the trustees of the university system of New Hampshire, or any other state agency.

357 Shelter Care Services. For the biennium ending June 30, 2013, the department of health and human services shall continue to fund the following shelter care services: 12 beds for boys at the Midway Shelter in Bradford, 13 beds for girls at the Antrim Girls Shelter in Antrim, and 12 beds at the co-educational North Country Shelter in Jefferson.

358 Department of Health and Human Services; Implementation and Reporting of Budget Reductions Relative to Developmental Services and Behavioral Health Services. The reduction in the appropriation to the division of developmental services and the bureau of behavioral health services contained in the operating budget for fiscal years 2012 and 2013 attributable to "right sizing" shall be undertaken in a collaborative fashion with area agencies and community mental health centers. Such plans shall be focused on reducing the cost structure of the area agency and community mental health systems without reducing quality or quantity of mandated services; maintaining the delivery of care in a community setting; and taking into account the needs of the systems to prepare for any future enhanced increase in the Medicaid population. Savings to the state general fund in the amount of \$1,800,000 for the biennium shall be identified, measured, and reported to the commissioner of the department of health and human services before January 1, 2012. On or before February 15, 2013, the commissioner of the department of health and human services shall provide a report of savings to the legislative fiscal committee and the legislative health and human services oversight committee.

359 Contract Consolidation; Department of Health and Human Services.

I. For contracts executed on or after July 1, 2011, the department of health and human services shall consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for providing services to clients of the department, to the fewest number reasonably possible to:

(a) Realize general fund savings in the amount of \$1,250,000 in fiscal year 2012 and \$4,300,000 in fiscal year 2013 as required in the budget approved for the department;

(b) Reduce the administrative costs associated with the processing and approval of state contracts;

(c) Minimize expenditures in areas other than direct care and assistance to the persons in need served by the department;

(d) Utilize any savings in addition to those specified in subparagraph (a) to provide additional direct services to clients of the department; and

(e) Create an efficient, effective, and stable community system of health and human services agencies for the future.

II. The consolidation shall be completed by June 30, 2013.

III. For the biennium ending June 30, 2013, the commissioner shall provide reports on a quarterly basis to the oversight committee on health and human services and the fiscal committee of the general court regarding contract consolidation efforts.

360 New Section; Community College System Debt Service Fund. Amend RSA 6 by inserting after section 12-g the following new section:

6:12-h Community College System Debt Service Fund. There is hereby established in the office of the treasurer a fund to be known as the community college system debt service fund, which shall be accounted for separately from other funds. All moneys credited to the fund from payments made to the treasurer by the community college system shall be used exclusively for repayment of principal and interest on bonds issued by the treasurer, the proceeds of which fund the construction or renovation of capital projects undertaken by the community college system of New Hampshire self-supporting campus facilities. The moneys in the fund shall be nonlapsing and continually appropriated to the treasurer.

361 Community College System; Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(d) to read as follows:

(d) The exemptions provided in subparagraph (a) shall apply to the lands and the buildings and structures thereon and therein and personal property owned by the university system of New Hampshire *or the community college system of New Hampshire*. The requirements of subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after April 1, 2006, the terms of which provide for the use or occupation by others of real or personal property owned by the university system of New Hampshire *or the community college system of New Hampshire*. The remedies set forth in subparagraph (c) shall be available to enforce the payment of real and personal property taxes assessed against the lessees of property owned by the university system of New Hampshire *or the community college system of New Hampshire* pursuant to this subparagraph.

362 New Section; Community College System of New Hampshire; Transfer. Amend RSA 188-F by inserting after section 1 the following new section:

188-F:1-a Transfer. All functions, powers, duties, books, papers, records, and property of every kind, tangible and intangible, real and personal, heretofore possessed, controlled, or used by the former department of regional community-technical colleges are hereby transferred to and vested in the board of trustees of the community college system of New Hampshire established in RSA 188-F:4. Nothing in this section shall transfer property of the McAuliffe-Shepard discovery center or the police standards and training council.

363 New Subparagraph; Business Profits Tax; Net Operating Loss Carryovers. Amend RSA 77-A:4, XIII by inserting after subparagraph (d) the following new subparagraph:

(e) On or after July 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000.

364 Use of Certain Unrestricted General Funds to Mitigate Department of Health and Human Services Spending Reductions; Uncompensated Care.

I. If general fund revenues exceed projected revenue estimates, the department of health and human services shall present a plan for approval to the fiscal committee of the general court detailing a proposal for making uncompensated care payments to hospitals pursuant to RSA 167:64, as amended by this act, for the fiscal year ending June 30, 2013. Such plan shall expend only up to the total amount of excess revenue. Said plan shall be presented to the fiscal committee of the general court no later than September 12, 2012.

II. Notwithstanding any provision of law to the contrary, upon approval of the plan pursuant to paragraph I, with the approval of the joint legislative fiscal committee and the governor and council, the department of health and human services may expend funds in excess of budgeted amounts for the purpose of making uncompensated care payments to hospitals pursuant to RSA 167:64, as amended by this act, for the fiscal year ending June 30, 2013. Such payments may be paid on the warrant of the governor, out of any money in the treasury not otherwise appropriated.

365 Medicaid Management Information System; Reports.

I. The commissioner of the department of information technology shall, in consultation with the commissioner of the department of health and human services, engage the services of an information systems consultant experienced with implementation of large healthcare and/or governmental information systems. The consultant shall review and evaluate the state's Medicaid management information system (MMIS) implementation project and provide a report on the progress of the implementation and the projected go-live date. The consultant shall report on the readiness of the MMIS upon start-up to meet all current federal MMIS requirements and all New Hampshire specific contract requirements. The consultant shall provide a detailed list of any system features that will not be available upon start-up of operations and report specifically on the readiness of the system to meet New Hampshire's Medicaid managed care requirements. The consultant shall report on the MMIS readiness to comply with the current CMS certification Toolkit required to attain federal certification. The commissioner of the department of information technology shall present the consultant's report to the fiscal committee of the general court no later than October 1, 2011. The cost of the evaluation and report shall be borne by ACS State Healthcare, LLC.

II. The commissioner of the department of health and human services shall provide the fiscal committee of the general court with monthly reports on the status of the new MMIS system implementation and shall report on the department's efforts to seek cost recovery under section 10.1 (Failure to Meet Start Date for Operations Phase) of the MMIS contract dated October 18, 2005 and approved by Governor and Council on December 17, 2005.

366 Operating Budget; Lapse of Appropriation. Governor's Commission; Contracts for Program Services. Amend 2009, 143:1, 05, 95, 95, 958410, 1388, class 102, class note to read as follows:

~~[*102 The appropriation in class 102 to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment is to fund the alcohol abuse prevention and treatment fund. This appropriation shall not lapse or be used for any other purpose or be considered for budget reductions required of the department of health and human services.]~~

367 Operating Budget; Lapse of Appropriation. Nursing Services; Organization Notes. Amend 2009, 143:1, 05, 95, 48, 481510, 6173, Organization Notes to read as follows:

~~[*The appropriations contained in class 504, 505, 506, and 529 may only be transferred within and among said classes, and shall not lapse. Any balance remaining on June 30, 2011 shall be paid as additional rates based upon the rate-setting methodology in effect at that time.]~~

368 Additional Medicaid Quality Incentive Program Payment.

I. Notwithstanding any other provision of law, the department of health and human services shall make an additional American Recovery and Reinvestment Act of 2009 Medicaid quality incentive program payment to nursing facilities prior to June 30, 2011. This payment shall cover the period April - May 31, 2011. The provisions of RSA 84-C and RSA 151-E shall govern the assessment and payment, except as provided as follows:

(a) The assessment period shall be April 1 to May 31, 2011;

(b) The returns shall be filed on or before June 27, 2011;

(c) The department of health and human services shall make this Medicaid quality incentive program payment to the nursing facilities prior to June 30, 2011.

II. With respect to the remainder of the assessment period as defined by RSA 84-C:1, namely June 1 - June 30, 2011, the assessment and payment shall be carried out as would otherwise have been the case in the absence of this section, except that the returns filed in July, 2011 shall only cover the period June 1- June 30, 2011.

III. This additional assessment and payment shall be made if not prohibited by federal law.

369 Transfer from Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, in the event of a general fund operating budget deficit at the close of fiscal year 2011 as determined by the official audit performed pursuant to RSA 21-I:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the revenue stabilization reserve account to eliminate such deficit.

370 Department of Administrative Services; State Contributions for Retirement Costs for Local Government Employers. In the event that the funds available in the class lines for contributions for retirement costs for local government employers, which costs would be paid after July 1, 2011, the commissioner of the department of administrative services is authorized to pay these costs from funds not otherwise appropriated knowing that the obligations incurred will be fully provided for in the state fiscal year 2011 financial statements. A state fiscal year 2012 GAAP adjustment will fully offset the appropriation provided for in state fiscal year 2012.

371 Department of Administrative Services; Transfer Among Accounts. Notwithstanding any provision of law to the contrary, except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2013, the commissioner of the department of administrative services is hereby authorized to transfer funds within and among all accounting units within the department, with the exception of class 60 transfers, as the commis-

sioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department.

372 Department of Administrative Services; Salary and Benefit Cost of Layoffs. In the event that funds available in salary and benefit class lines are insufficient to cover salary, benefits, and payout costs of state employees provided notice of layoff on or before June 30, 2011 in connection with statewide budgetary reductions, which costs would be paid after July 1, 2011, the commissioner of the department of administrative services is authorized to pay these costs for such employees from funds in other classes or accounts as appropriate. It may become necessary for the salary and benefit adjustment accounts to become negative during the fiscal year in order to make these payments; therefore, funds may be transferred from other excess appropriations to cover these costs in fiscal year 2012.

373 Contingency; Repeal Nullified. If HB 218 of the 2011 legislative session becomes law, the repeal of RSA 238-A:5, II and III by paragraph III of section 7 of that act shall not take effect.

374 New Subparagraph; General Fund Exceptions. Amend RSA 6:12, I(b) by inserting after subparagraph (304) the following new subparagraph:
(305) Moneys deposited in the state aeronautical fund pursuant to RSA 422:35.

375 Aeronautics; Disposition of Revenue. Amend RSA 422:35 to read as follows:

422:35 Disposition of Revenue.

I. All fees, fines, or other income received under the provisions of this chapter shall be paid by the department to the state treasurer, except as provided in RSA 422:36.

II. *There is hereby established the state aeronautical fund. The commissioner is authorized to accept gifts to further the purposes of this chapter and shall deposit them in the fund. The moneys in the fund shall be nonlapsing and shall be continually appropriated to the department for the purpose of funding maintenance of airports within the state that are open for public use and planning and implementing capital improvements to such airports. The commissioner may also accept and sell to a third party surplus airport equipment disposed of by the federal government and shall deposit the proceeds of the sale in the fund for the purpose of funding maintenance of and planning and implementing capital improvements to the airport where the equipment was located prior to disposal.*

III. *The director shall annually report on the state aeronautical fund to standing committees of the senate and the house of representatives with jurisdiction over taxation and jurisdiction over aeronautical projects. The format of the report shall be as follows:*

(a) Total moneys received from each revenue source.

(b) List of projects funded and expenditure totals for each.

(c) Moneys remaining in the fund.

376 New Section; Property Held in Airport Property Rooms. Amend RSA 471-C by inserting after section 13 the following new section:

471-C:13-a Property Held in Airport Property Rooms.

I. Notwithstanding any other provisions of law to the contrary, an airport director or designee may dispose of all noncontraband abandoned or lost property that has been held in an airport property room for a pe-

riod of 180 days and not claimed by the owner. If the owner is unknown or if the owner fails to claim the property within 60 days of being notified to claim the property, the airport director or designee may:

(a) Destroy abandoned or lost property which may contain personal or business information, or property which has a value of less than \$25.

(b) Return currency to an identified finder. The identified finder shall claim the currency within 60 days of being notified to claim the currency, otherwise said currency shall be retained by the airport for its use in aeronautical activities.

II.(a) An airport director or designee may dispose of all noncontraband abandoned or lost property that has been held in an airport property room for a period of 180 days which the airport director or his or her designee has not been able to dispose of under paragraph I by:

(1) Donating property which may be of value to a charitable organization to charity; or

(2) Selling the property at public auction. The airport director or designee shall fix a day upon which the auction shall take place, and give notice thereof by publication in a daily newspaper. The notice shall state the date, time, and place when such auction shall commence and shall contain a general description of the types of property to be sold. The notice shall be signed by an airport director or designee. The proceeds of such auction shall be retained by the airport for its use in aeronautical activities or donated to the state aeronautical fund; or

(3) Selling the property on an internet auction site with sufficient buyer participation to ensure that the property receives adequate exposure to the market for goods of the type being disposed of. The proceeds of such auction shall be retained by the airport for its use in aeronautical activities or donated to the state aeronautical fund.

(b) Property which fails to sell at public auction or on an internet auction site may be disposed of in any manner which the airport director or designee deems fit.

III. The airport and the state, municipality, authority, or other entity which owns or manages the airport shall have no liability for any claim thereafter arising or made with respect to property disposed of under this section.

377 Tobacco Tax Rate Reduced. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.78~~] **\$1.68** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

378 Tobacco Products Other Than Cigarettes; Tax Rate Reduced. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [~~65.03~~] **48** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

379 Tobacco Tax Rate; Contingent Version. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.68~~] **\$1.78** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

380 Tobacco Products Other Than Cigarettes; Tax Rate; Contingent Version. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [~~48~~] **65.03** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

381 Contingency; Reporting of Tobacco Revenue. On or before July 15, 2013, the department of revenue administration shall report to the speaker of the house of representatives, the senate president, and the fiscal committee of the general court, the secretary of state, and the director of the office of legislative services, the amount of tobacco tax revenue received, as reported in the department's daily cash basis revenue report, for the period of July 1, 2011 through June 30, 2013. If the department reports that the amount of tobacco tax revenue received for the period was below the amounts received for the period of July 1, 2009 through June 30, 2011, then sections 379 and 380 of this act shall take effect on August 1, 2013. If the department reports that the amount of tobacco tax revenue received for the period was equal to or above the amount received for the period of July 1, 2009 through June 30, 2011, then sections 379 and 380 of this act shall not take effect.

382 Shoreland Water Quality Protection Act. Amend the chapter heading of RSA 483-B to read as follows:

CHAPTER 483-B

[COMPREHENSIVE] SHORELAND WATER QUALITY PROTECTION ACT

383 Shoreland Water Quality Protection; Minimum Standards Required. Amend RSA 483-B:2, IX to read as follows:

IX. Control building sites, placement of structures, and land uses ***that may potentially damage the public waters.***

384 Minimum Standards Required. Amend RSA 483-B:2, XV to read as follows:

XV. Anticipate and respond to the impacts of development in shoreland areas ***to the extent they may potentially damage the public waters.***

385 Definitions. Amend RSA 483-B:4, VII-b to read as follows:

VII-b. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, ***and unless designed to effectively absorb or infiltrate water,*** decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways [~~unless designed to effectively absorb or infiltrate water~~].

VII-c. "Horticultural professional" means any arborist, landscape architect, or gardening consultant whose function is that of providing services relative to horticulture.

386 Definitions. Amend RSA 483-B:4, X-b to read as follows:

X-b. "Natural ground cover" means any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. ~~[Natural ground cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders.]~~ Natural ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

387 Definitions. Amend RSA 483-B:4, XIII to read as follows:

XIII. "Primary building line" means a setback for primary structures of ~~[at least]~~ 50 feet from the reference line.

388 Definitions. Amend RSA 483-B:4, XV to read as follows:

XV. "Protected shoreland" means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, ***except private garden water features and ponds of less than 10 acres***, and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.

389 Definitions. Amend RSA 483-B:4, XVIII to read as follows:

XVIII. "Removal or removed" means girdled, felled, ~~[killed, or]~~ cut, sawed, pruned, pushed over, buried, burned, or any other activity conducted to the extent that it otherwise ~~[destructively alters or altered]~~ ***kills*** the vegetation.

390 Definitions. Amend RSA 483-B:4, XVIII-c to read as follows:

XVIII-c. "Replace in kind" means the substitution of a new structure for an existing legal structure, whether in total or in part ~~[with no change in size, dimensions, footprint, interior square footage, and location, with the exception of changes resulting in an increase in the setback to public waters].~~

391 Definitions. Amend RSA 483-B:4, XX-a to read as follows:

XX-a. "Shoreland frontage" means the ~~[average of the distances of the actual natural shoreline footage and a straight line drawn between property lines]~~ ***actual shoreland frontage along the water front measured at the reference line.***

392 Definitions. Amend RSA 483-B:4, XXII to read as follows:

XXII. "Structure" means anything constructed or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind, with a fixed ***permanent*** location on or in the ground, exclusive of fences.

393 Definitions. Amend RSA 483-B:4, XXIV-b to read as follows:

XXIV-b. "Unaltered state" means ~~[native]~~ vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed ~~[to maintain the health of the plant being trimmed, as allowed by rules of the department]~~ ***for plant health, normal maintenance, and renewal.***

394 Enforcement by Commissioner; Duties; Woodland Buffer. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his ***or her*** designee may, for cause, enter upon any ***subject*** land or parcel at any reasonable time ***after written notification*** to perform oversight and enforcement duties provided for in this chapter.

395 Permit Required; Exemption. Amend RSA 483-B:5-b, I to read as follows:

I.(a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. ***Projects which have no impact on water quality and which follow department rules shall qualify for a permit by notification. The owner may proceed with the proposed project immediately upon receipt of written notice from the department that a complete and accepted notification has been received by the department. A notification shall be complete and accepted provided it meets or exceeds all of the minimum standards under RSA 483-B:9, includes a notification form signed by the owner of property, the name and address of the property owner, the address of the site on which the work will occur, the name of the jurisdictional waterbody, the tax map and lot number on which the proposed work will occur, plans clearly and accurately depicting the work to be completed relative to the reference line of the jurisdictional waterbody, photographs of the area to be impacted, and identification of those project criteria listed below that would qualify the project for a permit by notification. Such project criteria shall include:***

(1) Construction, excavation, and filing, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area.

(2) Construction, excavation, and filling, directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects.

(3) Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.

(4) Any similar activities defined as qualified for a permit by notification by rules of the department.

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

(1) For projects that qualify for permit by notification under ***this paragraph*** or RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

(2) For projects of 0-9,999 square feet, ***that do not qualify for a permit by notification***, \$750.

(3) For projects of 10,000-24,999 square feet, \$1,875.

(4) For projects of 25,000 square feet or more, \$3,750.

(c) If the application is denied after relying on the recommendations of the department, the application fee shall be refunded to the applicant within 30 days of such denial.

396 New Paragraph; Permit Required; Exemption. Amend RSA 483-B:5-b by inserting after paragraph IV-a the following new paragraph:

IV-b. No permits issued by the department pursuant to this chapter that involve private, non-federal undertakings shall require coordination with or clearance by the New Hampshire division of historical resources.

397 Permit Required; Exemption. Amend RSA 483-B:5-b, V to read as follows:

V.(a) Within 30 days of receipt of an application for a permit or [75] ***30 days of receipt of an application for a permit that will require a [variance of the minimum standard of RSA 483-B:9, V or a] waiver of the minimum standards of RSA 483-B:9, the department shall request any additional information reasonably required to complete its evaluation***

of the application, and provide the applicant with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within ~~[60]~~ **120** days of the request, the department shall deny the application.

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within ~~[30]~~ **20** days of the department's receipt of the information:

(1) Approve the application~~[-in whole or in part,]~~ and issue a permit; or

(2) Deny the application, and issue written findings in support of the denial; or

(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or ~~[75]~~ **30** days of receipt of an application for a permit that will require a ~~[variance of the minimum standard of RSA 483-B:9, V or a]~~ waiver of the minimum standards of RSA 483-B:9~~[-]~~,

~~[(1)]~~ approve or deny the application~~[-in whole or in part, and issue a permit; or~~

~~(2) Deny the application, and issue]~~ **with** written findings in support of the ~~[denial; or~~

~~(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant]~~ **decision.**

(d) Within 5 business days of receipt of a permit by notification filing, the department shall issue a written notice to the property owner or agent stating that the notification has either been accepted or rejected. If the department does not respond within the 5-day period, the property owner or agent may submit to the department a written request for a response. A request submitted electronically by the applicant shall constitute a written request provided that the applicant has previously agreed to accept electronic communication. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have a permit by notification and may proceed with the project as presented in the notification filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

~~[(4)]~~ **(e)(1)** The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

(A) Approve the application, in whole or in part, and issue a permit; or

(B) Deny the application and issue written findings in support of the denial.

(3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph [(d)] (e)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

[(e)] (f) All applications filed in accordance with the rules adopted by the department under RSA 483-B:17 and which meet the minimum standards of this chapter shall be approved and a permit shall be issued.

[(f)] (g) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

[(g)] (h) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

398 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

(d) No fertilizer, except limestone, shall be applied to vegetation or soils located within 25 feet of the reference line of any public water. ***Beyond 25 feet, [low-phosphate, slow-release nitrogen fertilizer or limestone,] slow or controlled release fertilizer, as defined by rules adopted by department,*** may be used ~~[on areas beyond 25 feet from the reference line].~~

399 Minimum Shoreland Protection Standards. RSA 483-B:9, V(a) through V(b)(2)(A)(ii) is repealed and reenacted to read as follows:

(a) Maintenance of a Waterfront Buffer.

(1) The waterfront buffer shall be those protected shorelands within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters while allowing homeowner discretion with regard to water access, safety, viewscape maintenance, and lot design.

(2) Within the waterfront buffer all of the following prohibitions and limitations shall apply:

(A) No chemicals, including pesticides or herbicides of any kind, shall be applied to ground, turf, or established vegetation except if applied by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).

(B) Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the department, pursuant to RSA 482-A or RSA 483-B:11, II or unless rocks are removed to improve runoff control or the planting in the waterfront buffer, and stumps that are removed are replaced with pervious surfaces, new trees, or other woody vegetation.

(C) No natural ground cover shall be removed except as necessary for a foot path to water and access ways as provided under RSA 483-B:9, V(a)(2)(D), (viii) and (ix), for normal maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in height for the purpose of providing a view, to provide access to natural areas or shoreline, or as specifically approved by the department, pursuant to RSA 482-A or RSA 483-B.

(D) Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 50 by 50 foot segments. Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs (i) through (ix).

(i) Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper Score

1 to 3 inches – 1

3 to 6 inches – 5

6 to 12 inches – 10

12 to 24 inches – 15

Greater than 24 inches – 25

(ii) Shrubs and groundcover plants shall be scored as follows:
Four square feet of shrub area – 1 point.

Ground cover planted in the form of sod or mat – one point for every 50 square feet.

Shrub and groundcover shall not count for more than 25 points in each full segment.

(iii) Dead, diseased, or unsafe trees or saplings shall not be included in scoring.

(iv) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than

50 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non-invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

(v) The department shall approve applications pursuant to RSA 482-A or RSA 483-B that include the planting of trees, saplings, shrubs, and groundcover as necessary to at least maintain either the existing point score or the minimum score required. The department shall not approve any application that would result in a combined vegetation score of less than the minimum score required where the segment initially meets the minimum score or would result in any reduction of the point score where the segment does not initially meet the minimum score.

(vi) Owners of lots and holders of easements on lots that were legally developed prior to July 1, 2008 may maintain but not enlarge cleared areas, including but not limited to existing lawns, gardens, landscaped areas, beaches, and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures within the waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of subparagraph (g)(2) or (g)(3), or RSA 483-B:11, II.

(vii) Normal trimming, pruning, and thinning of branches to the extent necessary to maintain the health of the planted area as well to protect structures, maintain clearances, and provide views is permitted provided such activity does not endanger the health of the plant.

(viii) When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12-foot wide access path shall be allowed. On those properties accessible only by water, this access path may be maintained provided it is stabilized with a surface that will infiltrate stormwater. On other properties the access path shall be completely restored and replanted with vegetation upon completion of construction except as allowed under subparagraph (ix).

(ix) A permanent 6-foot wide foot path as well as access to any docks, beaches, structures, existing open areas, and the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, are allowed.

(b) Maintenance of a Natural Woodland Buffer.

(1) A natural woodland buffer shall be maintained within 150 feet of the reference line. The first 50 feet of this buffer is designated the waterfront buffer and is subject to the additional requirements of subparagraph (a). The purpose of the natural woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland.

(2) Within the natural woodland buffer of a given lot the vegetation, except lawn, within at least 25 percent of the area outside the waterfront buffer shall be maintained unaltered or improved with additional vegetation. Owners of lots legally developed or landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area to be maintained in an unaltered state. The percentage of area maintained in an unaltered state on nonconforming lots shall not be decreased.

400 Impervious Surfaces. Amend RSA 483-B:9, V(g) to read as follows:

(g) Impervious surfaces.

(1) ~~[Subject to subparagraph (2),]~~ No more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, ***unless a stormwater management system designed and certified by a professional engineer that will not concentrate stormwater runoff or contribute to erosion is implemented.***

(2) If the impervious surface area will exceed 20 percent, ***but is less than 30 percent,*** a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17.

(3) If the impervious surface area will exceed ~~[20]~~ **30** percent and the ~~[natural]~~ tree, ~~[and]~~ sapling ~~[cover]~~, ***shrub, and groundcover*** in the waterfront buffer does not meet the ~~[50-point minimum]~~ ***point*** score ***requirement*** of RSA 483-B:9, V(a)(2)(D) in any segment, then such segment shall be planted, as determined by rule of the department, with ~~[native]~~ trees, saplings, ***shrubs***, or ~~[natural ground cover]~~ ***groundcover*** in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V(a).

401 Waivers. Amend RSA 483-B:9, V(i) to read as follows;

(i) The commissioner shall have the authority to grant ~~[variances]~~ ***waivers*** from the minimum standards of this section. Such authority shall be exercised ~~[subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)]~~ ***if the commissioner deems that strict compliance with the minimum standards of this section will provide no material benefit to the public and have no material adverse effect on the environment or the natural resources of the state. Waivers shall also be granted to accommodate the reasonable needs of persons with disabilities.***

402 Nonconforming Lots of Record. Amend RSA 483-B:10, I to read as follows:

I. Except when otherwise prohibited by law, present and successive owners of an individual undeveloped lot may construct a single family residential dwelling ***and appurtenant accessory structures*** on it, notwithstanding the provisions of this chapter. Conditions may be imposed which, in the opinion of the commissioner, more nearly meet the intent of this chapter, while still accommodating the applicant's rights.

403 New Paragraph; Nonconforming Lots of Record; Merger. Amend RSA 483-B:10 by inserting after paragraph II the following new paragraph:

III. Consistent with RSA 674:39-a, a municipality shall not merge adjacent nonconforming lots in common ownership without the consent of the owner.

404 Nonconforming Structures. RSA 483-B:11 is repealed and reenacted to read as follows:

483-B:11 Nonconforming Structures.

I. Except as otherwise prohibited by law or applicable municipal ordinance, nonconforming structures located within the protected shoreland may be repaired, replaced in kind, reconstructed in place, altered, or expanded. Repair, replacement-in kind, or reconstruction in place may alter or remodel the interior design or existing foundation of the nonconforming structure, but shall result in no expansion or relocation of the existing footprint within the waterfront buffer. However, alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer, provided the structure is not extended closer to the reference line and the proposal or property is made more nearly conforming than the existing structure or the existing conditions of the property.

II. For the purposes of this section, a proposal that is "more nearly conforming" means alteration of the location or size of the existing footprints, or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with the design standards of this chapter. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of structural footprints, enhancing stormwater management, adding infiltration areas and landscaping, upgrading wastewater treatment, improving traffic management, or other enhancements that improve wildlife habitat or resource protection.

III. An expansion that increases the sewerage load to an onsite septic system, or changes or expands the use of a septic system, shall require a subsurface approval issued by the department.

IV. Under paragraph I, and except as otherwise prohibited by law or applicable municipal ordinance, primary nonconforming structures may be entirely demolished and reconstructed, with continued encroachment into the waterfront buffer, provided the replacement structure is located farther back from the reference line than the preexisting nonconforming structure.

405 Rulemaking. Amend RSA 483-B:17, IV to read as follows:

IV. Procedures and criteria for the size[~~;~~ **and** placement~~;~~ ~~and construction~~] of small accessory structures such as storage sheds and gazebos, which are consistent with the intent of this chapter, between the reference line and the primary building line.

406 Penalties. RSA 483-B:18, III is repealed and reenacted to read as follows:

III. Persons violating the provisions of this chapter and damaging the public waterway who, after notification by the department, fail to make a good faith effort at remediation and restoration shall be subject to the following:

(a) Upon petition of the attorney general or of the municipality in which the violation occurred, the superior court may levy upon any person violating this chapter a civil penalty in an amount not to exceed \$5,000 for each continuing violation. The superior court shall have jurisdiction to restrain a continuing violation of this chapter, and to require remediation.

(b) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil penalties under this chapter.

(c) Notwithstanding the \$5,000 fine limit in subparagraph (b), the administrative fine for each repeat violation of this chapter may be multiplied by a factor of 2 for every previous violation committed by the person or entity.

407 New Paragraph; Shoreland Advisory Committee. Amend RSA 483-B:21 by inserting after paragraph VII the following new paragraph:

VIII. Any permit applications denied under any section of this chapter shall be reported to the shoreland advisory committee by the department.

408 Permit Application Fees; Effective Date. Amend 2008, 5:28, II to read as follows:

II. Section 27 of this act shall take effect July 1, ~~[2011]~~ **2016**.

409 Definitions. Amend RSA 483-B:4, XVII(a) to read as follows:

(a) For all lakes, ponds, and artificial impoundments greater than 10 acres in size, the surface elevation as listed in the Consolidated List of Water Bodies subject to the ~~[Comprehensive]~~ shoreland **water quality** protection act as maintained by the department.

410 Shoreland Advisory Committee. Amend the introductory paragraph of RSA 483-B:21 to read as follows:

There is established a shoreland advisory committee. All members shall be New Hampshire residents representing diverse geographic areas of the state. The primary focus of this committee is to address residential shorefront owner input and perspective relating to shoreland development regulated under the ~~[comprehensive]~~ shoreland **water quality** protection act under this chapter and the regulation of shoreline structures under RSA 482-A.

411 Approval to Increase a Load on a Sewage System. Amend RSA 485-A:38, II-a(c) to read as follows:

(c) When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the ~~[comprehensive]~~ shoreland **water quality** protection act, RSA 483-B.

412 Repeal. RSA 483-B:9, V(c)(1), relative to subdivision of land within the protected shoreland, is repealed.

413 Effective Date.

I. Sections 6, 9, 10, 12, 32, 48-49, 89-90, 180-189, 228, sections 382-407, and 409-412 of this act shall take effect upon its passage.

II. Sections 67, 73, 82, 204, paragraph I of section 217, 220, 340, 341, 369 and 408 of this act shall take effect June 30, 2011.

III. Section 218 of this act shall take effect July 1, 2011 at 12:01 a.m.

IV. Sections 27, 31, 44, and 289 of this act shall take effect January 1, 2012.

V. Sections 19, 221, and 363 of this act shall take effect July 1, 2013.

VI. Sections 279-281 of this act shall take effect September 30, 2011.

VII. Section 299 of this act shall take effect July 1, 2014.

VIII. Sections 308 and 309 of this act shall take effect as provided in section 313 of this act.

IX. Sections 336-337 of this act shall take effect July 15, 2011.

X. Section 156 of this act shall take effect July 1, 2012.

XI. Section 205 of this act shall take effect June 16, 2011.

XII. Sections 379-380 of this act shall take effect as provided in section 381 of this act.

XIII. The remainder of this act shall take effect July 1, 2011.

The signatures below attest to the authenticity of this Report on HB 2-FN-A-LOCAL, an act relative to state fees, funds, revenues, and expenditures.

*Conferees on the Part
of the Senate*

Sen. Morse, Dist. 22

Sen. Odell, Dist. 8

Sen. Barnes, Jr., Dist. 17

*Conferees on the Part
of the House*

Rep. L. Ober, Hills. 27

Rep. Weyler, Rock. 8

Rep. Kurk, Hills. 7

Rep. Belvin, Hills. 6

Rep. W. Smith, Rock. 18

2011-2513-CofC**AMENDED ANALYSIS**

1. Funds meals and rooms distributions to cities and towns for the biennium ending June 30, 2013 at no more than the fiscal year 2011 level of distribution.

2. Suspends RSA 31-A, relating to revenue sharing with cities and towns for the biennium ending June 30, 2013.

3. Requires a portion of funds received for the recording surcharge collected by registers of deeds to be deposited each year of the biennium in the land and community heritage investment program administrative fund with the remainder being deposited in the general fund.

4. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2011 through June 30, 2013, and provides a waiver of the suspension of school building aid.

5. Limits the uses of funds held in the driver training fund, eliminates payment to secondary schools and districts, and removes responsibility of the department of education for driver education.

6. Requires the workers' compensation administration fund to fund all costs of the administration of workers' compensation under RSA 281-A.

7. Requires the commissioner of the department of health and human services to submit a Medicaid state plan amendment to suspend direct and indirect graduate medical education payments to hospitals for the biennium ending June 30, 2013.

8. Authorizes the commissioner of the department of health and human services to fill unfunded positions during the biennium ending June 30, 2013 under certain circumstances.

9. Repeals the catastrophic illness program.

10. Suspends funding for catastrophic aid payments to hospitals for the biennium ending June 30, 2013.

11. Provides that the department of health and human services shall not change program eligibility standards without fiscal committee approval unless such changes are required by federal law and allows the department to transfer funds within and among accounting units.

12. Implements recommendations of the office of legislative budget assistant's 2010 performance audit report of the New Hampshire community health system.

13. Requires that for the biennium ending June 30, 2013, the department of health and human services shall maintain a limit on benefits for adults with low service utilization of community mental health services, as identified in He-M 401.07.

14. Modifies the provisions for county reimbursements for nursing home services through state fiscal year 2014.

15. Requires the department of health and human services to apply for a waiver to deliver and pay for Medicaid services to Medicaid-eligible persons with severe mental disabilities through a prepaid health plan.

16. Provides that the rate for services, placements, and programs paid for by the department for delinquent children, child protection act, and children in need of services are to be maintained at the rates in effect on June 30, 2011.

17. Requires the commissioner of the department of health and human services to notify the commissioner of the department of administrative services regarding transfers or reassigned personnel.

18. Requires the commissioners of the departments of safety and health and human services to negotiate a reduced fee for performing certain state criminal records checks.

19. Repeals the prevention programs for juveniles and incentive grants for such programs.

20. Allows the department of health and human services to use a new assessment tool to determine eligibility for nursing facility care even if such tool is not reviewed by the county-state finance committee or the oversight committee on health and human services.

21. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the Social Services Block Grant program every January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis.

22. Establishes 2 temporary special funds in the state treasurer's office to receive and temporarily hold funds for certain New Hampshire hospital programs.

23. Suspends the funding for the developmental services waitlist for the biennium ending June 30, 2013.

24. Transfers the Medicaid enhancement tax accounting unit and the Medicaid enhancement tax receipt account from the department of health and human services to the department of revenue administration. Establishes priorities for the allocation and use of moneys in the uncompensated care fund for the biennium ending June 30, 2013.

25. Directs the commissioner of the department of health and human services to pursue certain consolidation initiatives to achieve general fund appropriations reductions in fiscal years 2012 and 2013 and to report the progress of such efforts to the committees of the house and senate with jurisdiction over health and human services and finance issues.

26. Requires the commissioner of the department of health and human services to submit a state plan amendment to administer the children's health insurance program.

27. Allows the commissioner of the department of health and human services to recover for medical assistance for a spouse of an individual or a parent if an individual is under the age of 21.

28. Clarifies the liability of expenses payable by the department of health and human services under the child protection act.

29. Establishes that for the biennium ending June 30, 2013, a portion of the nursing facility assessment and intermediate care facility assessment shall be used for purposes of long-term care services provided by the state.

30. Authorizes the commissioner of the department of transportation to enter into agreements to lease-purchase vehicles and equipment.

31. Appropriates federal emergency assistance grants to the department of transportation.

32. Establishes the department of labor restricted fund to fund operations of the department of labor from fees, licenses, certificates, and civil penalties.

33.(a) Eliminates the special fund for payment of mediators and guardians ad litem in cases where parents are indigent.

(b) Makes supplemental appropriations to the judicial council for payment of council for indigent parents in child protection cases and in divorce cases.

(c) Limits the circumstances in which the court may appoint an attorney to represent the parent in cases of abuse or neglect.

(d) Requires the supreme court to adopt practice standards for non-certified guardians ad litem appointed in parental rights and responsibilities cases.

34. Requires that proceeds from the sale of the lakes region facility property be deposited into the revenue stabilization reserve account and appropriates funds to facilitate the sale and employ a consultant with real estate or financial expertise.

35. Suspends bumping rights.

36. Requires the department of administrative services to consolidate certain business processing functions.

37. Makes an appropriation for selecting and retaining an independent business processing consultant.

38. Makes an appropriation to the McAuliffe-Shepard discovery center for the purpose of supporting the transition of the discovery center to a fiscally self-sufficient entity.

39. Authorizes the lottery commission to use monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance.

40. Modifies lottery sales commission rates.

41. Authorizes monetary incentives to liquor commission employees and temporary state liquor stores.

42. Suspends the deposit of liquor revenues in the alcohol abuse prevention and treatment fund for the biennium ending June 30, 2013.

43. Transfers the water quality laboratory services from the department of environmental services to the department of health and human services.

44. Adds the board of accountancy, the real estate appraiser board, the manufactured housing installation standards board, and the board of manufactured housing to the joint board of licensure and certification.

45. Suspends the statutory limitation on highway funds allocated to the department of safety for the biennium ending June 30, 2013.

46. Revises the duties of the office of energy and planning by removing certain program responsibilities, including the coordination of federal funds, economic development reporting requirements, the water protection assistance program, housing and conservation planning, the high-level radioactive waste act, and land use board member training.

47. Requires municipal zoning and ordinance documents, including amendments, to be filed with the office of energy and planning and authorizes the office to gather such information from municipalities in order to generate publicly available lists and surveys.

48. For the biennium ending June 30, 2013, provides funding for private colleges and universities and for the university system of New Hampshire and the community college system of New Hampshire from the UNIQUE endowment allocation program, and transfers the balance of the New Hampshire excellence in higher education endowment trust fund in part to the university system of New Hampshire and in part to the community college system of New Hampshire.

49. Repeals the postsecondary education commission and transfers all powers, duties, and programs to the newly established division of higher education and higher education commission within the department of education.

50. Transfers authority over regulation of private postsecondary career schools from the postsecondary education commission to the higher education commission.

51. Authorizes the department of education to expend funds at 110 percent of budgeted amounts to fund chartered public school tuition payments, with the approval of the fiscal committee and governor and council.

52. Authorizes that any funds from the federal Education Jobs program not expended by a school district during the 2011 fiscal year shall be carried over for use in the school district's 2012 fiscal year.

53. Establishes certain procedures for special meetings regarding education funding.

54. Changes the renewal of licenses of veterinarians by the board of veterinary medicine to be biennial rather than annual.

55. This bill changes the composition of the retirement system board of trustees and makes various changes to the state retirement system if SB 3-FN-A-LOCAL of the 2011 legislative session does not become law, including:

I. Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Transferring remaining funds from the special account into the state annuity accumulation fund.

IV. Eliminating future increases to medical benefits premium payments.

V. Increasing member contribution rates.

VI. Establishing a committee to study the establishment of a federal tax qualified voluntary defined contribution plan and a committee to study matters related to disability, medical subsidies, and COLAs.

VII. Limiting when the option to become a member of retirement system applies, and defining part-time employment.

VIII. Changing the eligibility for state employees to receive medical benefits.

IX. Eliminates the state share of employer contributions for non-state employees beginning fiscal year 2013.

X. Extending a temporary supplemental allowance for fiscal year 2013.

56. Allows subcommittee members of the retirement system board of trustees to participate in meetings by telephone.

57. Provides statutory construction for certain terms relating to publication for statewide circulation.

58. Requires the department of resources and economic development to staff rest areas and welcome centers along Interstate Route 93.

59. Repeals the bureau of visitor services.

60. Modifies the amount of reimbursement paid to towns and cities for land acquired by the United States for flood control.

61. Makes changes to the document processing division of the department of revenue administration.

62. Adds certain functions of the equalization standards board to the functions of the assessing standards board.

63. Transfers an appropriation received by the governor's commission on disability.

64. Modifies the percentage of the penalty assessment designated to the police standards and training council training fund.

65. Requires the governor to reduce total appropriations for classified employee compensation and benefits.

66. Allows for transfers of federal grant funds between class codes and to newly created class codes and permits certain budgeted federal grant

appropriation balances from one state fiscal year to be carried over to the following fiscal years subject to the approval of the commissioner of administrative services.

67. Establishes hiring priority for laid off classified state employees.

68. Freezes executive branch hiring, purchases, and out-of-state travel.

69. Requires any budget surplus remaining at the end of fiscal year 2011 to remain in the general fund.

70. Prohibits the department of information technology from discontinuing technical support services to any executive branch agency.

71. Allows departments, agencies, and branches to transfer moneys from any class line, except for personnel and benefit class lines, within their approved budgets to class line 027 to fund information technology related projects which would not otherwise be funded.

72. Authorizes the department of information technology to transfer funds within and among its accounting units, subject to the approval of the fiscal committee of the general court.

73. Allows the annual contribution for unfunded accrued liability of the judicial retirement plan to be calculated over a 30-year period from January 1, 2010 or the maximum period allowed, whichever is less and requires recalculation of the employer contribution rate for the biennium ending June 30, 2013.

74. Requires transfers from the special fund for the improvement and automation of vital records at the state and local levels, also known as the vital records improvement fund, to the general fund.

75. Suspends distribution of a portion of the rooms and meals tax to the division of travel and tourism development for the biennium ending June 30, 2013.

76. Establishes a special legislative account.

77. Sets the annual salary of the registers of probate at \$100 per year.

78. Limits the number of judicial appointments and establishes certain requirements for conversion of a marital master position to a judge position and for filling marital master vacancies.

79. Requires that any balance remaining in the navigation safety fund at the close of each fiscal year lapse to the general fund.

80. Credits fines paid by mail to the division of motor vehicles to the general fund and after July 1, 2013.

81. Limits the rulemaking authority of state agencies to establish or increase fees, or establish or modify an agency program or responsibility in a manner that increases costs to persons affected by the rule.

82. Provides that all penalty assessments imposed under the drug-free school zone statute shall be deposited in the general fund. The bill also repeals the drug-free school zone sign fund.

83. Modifies appropriation language for statewide special education programs.

84. Establishes a committee to study the relationship between the department of education and local education authorities.

85. Transfers the marine patrol bureau from the division of safety services, department of safety, to the division of state police.

86. Changes the fees for obtaining a saltwater fishing license.

87. Establishes a committee to study funding options for the police standards and training council and the department of safety, division of fire standards and training and emergency medical services.

88. Establishes certain divisions within the fish and game department for the biennium ending June 30, 2013.

89. Eliminates the division of safety services in the department of safety.

90. Requires the department of transportation to manage the bridge and highway betterment program with an emphasis on bidding work out to contractors and requires the department to prepare a report detailing project costs.

91. Creates a committee to study the usage of contractors to perform certain duties performed by the department of transportation in order to save highway funds.

92. Suspends reimbursements to the foster grandparent program through the senior volunteer grant program.

93. Redefines a "child in need of services" for purposes of RSA 169-D.

94. Directs the department of health and human services to administer its adoption assistance program consistent with federal law and the state's Title IV-E plan, and repeals state law and regulations relative to discretionary adoption subsidies for hard to place children.

95. Removes the discretion of the commissioner of the department of health and human services to transfer cases between the employment program and assistance program for 2-parent families in order to meet federal work participation funding requirements.

96. Removes the commissioner's authority to operate an emergency assistance program to aid families with dependent children.

97. Prohibits persons fleeing to avoid criminal prosecution from receiving public assistance benefits.

98. Modifies eligibility for cash assistance for purposes of aid to the permanently and totally disabled.

99. Requires certain funds from drug rebates to be deposited in a separate account for the department of health and human services to expend for pharmacy services.

100. Clarifies the duty and authority of the commissioner of health and human services for the Medicaid hospital outpatient reimbursement methodology.

101. Prohibits use of state appropriations for contracts with the Dartmouth Psychiatric Research Center or the Behavioral Health Policy Institute.

102. Suspends the position of medical director within the department of health and human services for the biennium ending June 30, 2013.

103. Suspends RSA 126-G, relative to family support services.

104. Suspends funding for the Alzheimer's disease and related disorders (ADRD) program through June 30, 2013.

105. Suspends congregate housing and congregate services.

106. Authorizes the department of health and human services to reimburse the parent of a child who is medically fragile or has a chronic illness for home health aide services provided by the parent. The program is a 3-year pilot program.

107. Allows the office of reimbursements, department of health and human services, to file liens to recover moneys owed for services rendered by the New Hampshire hospital, Glencliff home, and certain other institutions.

108. Requires a petitioner in any petition for spousal support who is a recipient of medical assistance under the state Medicaid program to serve the department of health and human services with a copy of the petition. This bill also allows a guardian to allocate income to a ward's estate.

109. Prohibits appropriations in the family planning accounting unit to be used to fund abortions.

110.(a) Removes the commissioner of the department of health and human services from the healthy kids board.

(b) Removes responsibility for administration of the state children's health insurance program from the statutory duties of the New Hampshire healthy kids corporation, contingent on implementation of a Medicaid managed care model by the department of health and human services.

111. Requires a waiver from the governor and council for reclassification of a classified position.

112. Repeals the renewal fee for an operator license for collection of meals and rooms taxes, and the waiver provisions therefor.

113. Reduces fees for licenses to sell animals or birds customarily used as household pets.

114. Reduces the filing fees under the condominium act and the land sales full disclosure act.

115. Deletes the general fund designation for a portion of the marriage license fee.

116. Repeals the law regarding coverage for services and certain items covered under the medical assistance program.

117. At the request of the joint committee on employee classification established under RSA 14:14-c, establishes the salary for the positions of:

(a) Commissioner/CIO of the department of information technology.

(b) Executive director of the board of medicine.

(c) Director and state registrar of the division of vital records administration.

(d) State veterinarian of the department of agriculture, markets, and food.

118. Clarifies that property at Skyhaven leased by the authority for airport or aeronautical related purposes is not subject to taxation.

119. Suspends for the biennium laws relative to the funeral expenses to certain recipients of public assistance and certain other reimbursement for care of an assisted person.

120. Authorizes the issuance of bonds in the amount of \$3,700,000 for the biennium ending June 30, 2013 to provide kindergarten construction funds to eligible school districts.

121. Clarifies the responsibilities of the administrator of the joint board of licensure and certification.

122. Repeals the 2008 repeal of the of the Maine-New Hampshire Interstate Bridge Authority, for which required Congressional approval for the dissolution of the Authority was not requested or obtained.

123. This bill adds additional construction and cost estimate factors for determining eligibility for the kindergarten construction program.

124. Transfers the responsibility for telecommunications services to state government from the bureau of general services, division of plant and property management, department of administrative services to the division of emergency services and communications, department of safety.

125. Changes the membership, appointment authority, and terms of the board of tax and land appeals.

126. Increases the monthly contribution for medical benefits paid by retired state employees, retired judges, and their spouses, under age 65.

127. Requires the general fund appropriation for the judicial branch to be reduced by a certain amount in addition to other reductions.

128. Requires certain state fiscal stabilization funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA) to be transferred from the office of economic stimulus to the department of corrections.

129. Requires the commissioner of the department of administrative services to develop a plan for cost containment options and managed care options to generate savings for the state of New Hampshire retiree health care program. Allows the commissioner of the department of administrative services to utilize managed care and/or cost containment techniques for the New Hampshire retiree health care program and allows the commissioner to offer financial incentives under certain circumstances.

130. Establishes a committee to develop a plan for privatizing the department of corrections.

131. Requires the commissioner of the department of corrections to transfer not more than 600 inmates currently incarcerated at the state correctional facility in Concord to private and/or public correctional agencies or facilities.

132. Requires \$800,000 in revenue derived from Cannon Mountain to be deposited in the general fund and applied to the negative balance contained in the state park fund.

133. Requires the department of resources and economic development to deposit revenues in fiscal years 2012 and 2013 into the general fund to offset the negative balance in the state park fund and further requires the department to deposit \$50,000 in each fiscal year of the biennium ending June 30, 2013 into the fish and game research and rescue fund.

134. Requires the lease of rental space in which to house the superior court center.

135. Authorizes transfers between and among class line appropriations in the highway welcome centers and the class line appropriations in the turnpike welcome centers for the biennium ending June 30, 2013.

136. Requires the department of health and human services to provide an update on the status of transition of the healthy kids program from the New Hampshire healthy kids corporation to the department's Medicaid managed care program for each meeting of the fiscal committee until the transition is complete.

137. Requires the department of health and human services to contract with in-state hospitals for high intensive neonatal and pediatric care unless such services are not available in New Hampshire, and directs the department to revise the rate structure for such services.

138. Authorizes the department of health and human services to make claims against an estate for financial and medical assistance provided to the deceased by the department.

139. Requires that any appropriation made in the capital or operating budget for New Hampshire public television shall be made directly to New Hampshire public television.

140. Funds certain shelter care services in Bradford, Antrim, and Jefferson.

141. Requires the department of health and human services to collaborate with area agencies and community mental health centers to minimize the impact of the reduced appropriation to the division of developmental services and the bureau of behavioral health services and to submit a legislative report of the savings generated.

142. Requires the department of health and human services to consolidate contracts to the fewest number reasonably possible.

143. Establishes the community college system debt service fund.

144. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

145. Transfers all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

146. Limits the amount of net operating loss generated in a tax year that may be carried forward under the business profits tax to \$10,000,000.

147. If general fund revenues exceed projected revenue estimates, requires the department of health and human services to present to the fiscal committee a proposal for making uncompensated care payments to hospitals and allows funds in excess of budgeted amounts to be expended for such payments.

148. Requires the commission of the department of information technology in cooperation with the commissioner of the department of health and human services to engage the services of an information systems consultant to review the state's Medicaid management information system implementation project and make a report to the fiscal committee of the general court. The commissioner shall also report on the status of cost recovery efforts under the MMIS contract.

149. Lapses certain appropriations for the governor's commission on alcohol and drug abuse prevention, intervention, and treatment and for nursing services.

150. Requires the department of health and human services to make an additional American Recovery and Reinvestment Act of 2009 Medicaid quality incentive program payment to nursing facilities prior to June 30, 2011.

151. Requires the transfer of revenue stabilization reserve account funds in the event of an operating budget deficit at the close of fiscal year 2011.

152. Authorizes the commissioner of the department of administrative services to pay for contributions for retirement costs for local government employers from other funds.

153. Authorizes the commissioner of the department of administrative services, with the approval of the fiscal committee of the general court and the governor and council, to transfer funds within and among accounting units.

154. Authorizes the commissioner of the department of administrative services to pay costs for employees who provided notice of layoff on or before June 30, 2011 from classes or accounts in the 2012 fiscal year.

155. Nullifies a contingent repeal relative to service areas of the New Hampshire rail transit authority.

156. Establishes a state aeronautical fund and authorizes the commissioner of the department of transportation to accept donations to the fund.

157. Reduces the rates of the tobacco tax on cigarettes and on tobacco products other than cigarettes. The rates will retain to current rates if the reduction results in a loss of revenue for the biennium.

158. Makes extensive changes to the comprehensive shoreland protection act.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I move the adoption of the committee of conference report on HB 2. As previously mentioned, this budget contains \$4.42 billion over the biennium in general and education trust fund spending. HB 2 contains the mechanics necessary to make the statutory changes in policies to make our budget work. HB 2 contains many of the same policies and reforms as when it left the Senate, but as part of how this process works, HB 2 reflects a healthy compromise. We continue to reform state government through Medicaid managed care, how mental health services are provided, and the start of privatizing Corrections. We worked hard to prioritize these services that government should provide and are creative and disciplined in how these services are provided. One example of this is directing retirees to get the same services

at a lower price to generate savings but not doing anything to diminish their level of benefits. The House improved the funding by changing the co-pays from a \$6 amount to an equivalent percentage amount.

HB 2 contains the much needed and fair retirement reforms negotiated in Senate Bill 3, and will ensure city and town budgets are not harmed by reductions in state retirement payment. House Bill 2 ensures a smooth transition away from subsidizing the cost of local employees. As you all know, we often get more information as the process moves along. As the result of new information, we appropriated \$3.5 million to the cities and towns for retirement subsidy to ensure our cities and towns were not harmed.

Uncompensated care is one area where we would have liked to do more, and we have laid out a plan to do so should revenues come in higher than expected, as we all hope they will. We are pleased to continue the Senate's policy of addressing this vital area in 2013 if we are able to do so.

Another compromise resulted in additional UNIQUE funds being used towards scholarships for low-income students.

While privatization of Cannon Mountain is not contained in House Bill 2 as a result of negotiations, I will not be surprised to see this legislation come forward next year.

Another important change through legislation is the 10 cent reduction in tobacco tax. If this decrease does not increase revenues when compared to this biennium, the decrease will sunset. Last August, Maine made an increase in cigarette sales for the first time in over 20 years while the New Hampshire sales decreased. This tax has increased four times in the last six years. This temporary reduction will help our struggling small businesses in border communities and give out-of-staters one more reason to shop here in New Hampshire.

Mister President, I'd like to read into the record something that I didn't finish in the process for HB 2. It is important for the legislative record and the public statements about the new retirement system to include the following:

The Legislature is not telling the board how to administer the retirement system. The Legislature is simply making sure that the board does not depart from its own past practices as they relate to the assumed rate of return. The past practice is that assumed rate of return changes adopted in odd-number years take effect in the third year out. When the board changed the assumed rate of return in '05, the changes were implemented in '08. The amendment is nothing more than an attempt to ensure that the board's actions remain consistent with past practices.

Again, I would like to thank my colleagues in the Senate and the House for their hard work and dedication. I move the adoption of HB 2 and ask for your support. Thank you.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you, Mister President. I rise in opposition to the committee of conference report on HB 2. And, I, as Senator Larsen stated, believe that in the end, a budget is a reflection of one's values and goals; we see that in our families and we see that in individuals. In fact, I think if I met someone and they didn't tell me anything about themselves and I didn't know anything about them but I looked at their budget, personally or in their family, I would be able to tell you what they

value the most and what is most important to them. And, I think that a state budget should do the same; it should reflect the same. However, I do believe that this budget does not represent what is most valued by the people of New Hampshire. I believe that the people of New Hampshire value creating new jobs and growing the economy, and, as well, providing an equal opportunity for all of our New Hampshire citizens to achieve both. The drastic cuts to our university system and the community college stop the progress that we have made in educating and training our workers – workers we need to get our economy back on track and to strengthen our economy in the future. I think that most of you would agree with me that there really is no doubt that there is a strong link between a strong educational system and a strong economy. Investing in education is, as you know, the smartest and the wisest investment we as a state can make, as it gives us the greatest return on our investment. It gives us a strong and a productive workforce that helps attract employers to our state. We also know that a less educated workforce will force employers to take their businesses out of New Hampshire and turn away other good paying jobs. These cuts to our university system and to our community college are not good for business. As well, I believe the cuts that we have seen in the uncompensated care to our hospitals is going to be devastating. It will force hospitals to increase and insurance companies to increase insurance premiums. And, who will feel those the most? Businesses. These cuts are not good for business, and they move our economy in a backwards – not a forwards – direction.

I'm also very concerned that this budget does not reflect the value that I know is held deeply – very deeply – to all of our working parents in the state. And, I believe that the working parents – which I think most of us are, or our children are – they want to wake up every day and they want to be able to say to themselves: "I can provide healthcare to my children. When they're sick, I can access the care that they need." Over 8,000 children participate in the Silver Program in HealthyKids. What is going to happen to that program when it's moved into Health and Human Services? Over 8,000 children. The cuts to Health and Human Services will not be able to provide the staff that is necessary to continue to work with these parents. These are working parents who pay the premiums – some on a sliding scale, some the total premium. But, these parents can get up every morning, they can look at the faces of their children, and they can say: "I'm going to make sure that you have healthcare, and if you're sick, I can take care of you." That's the dignity and respect that every parent needs. That's a responsibility I believe we have in this state.

I also am very concerned at the additional cuts which most of you have talked about today: cuts to the mentally ill, to the disabled, to CHINS, to substance abuse; I am now sitting on the Governor's council for prevention... alcohol and treatment, because of the President of our Senate, who appointed me. I attended a meeting the other day, and I cannot tell you the looks on the faces and the pain that I felt in that room – and, some of you were there as well – of the people who had to make a decision to eliminate any prevention for substance abuse. This will affect almost every family, or a neighbor, in our communities.

I am concerned, as well, about the cuts, as Senator D'Allesandro mentioned, to CHINS, to childcare in our state. These cuts will result, as we know – we know they will result in additional costs to our communities and to our towns and to our cities. I fear that these costs will result in raising property taxes. I know in my district that will be a hard one to swallow.

I heard today discussion about choices. We did make choices; there were choices made. Choices are always difficult to make, but I have to say we could have made other choices. We know that we are not here today making these choices and these difficult decisions because of a history of spending in New Hampshire or because of some undisciplined budgeting. We know that we're here today because this is in response to a national recession. All of us in this room can debate how we got to that national recession, and I'm sure we have many different opinions. But I do not believe that we can debate the fact that the working people in New Hampshire caused that recession. And, my concern is that we are balancing a budget on their backs. For this reason, I cannot support this legislation. And, I do want to say that I appreciate all of the hard work from many of you who worked on this; I just would like to have seen us gone in a couple different directions here and to make some different choices. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I, too, rise against House Bill 2. And, I just want to reference a few sections of House Bill 2: section 316, 317, 318, 319, and 320.

316 repeals the meals and rooms tax operators' license renewal fee; 317: transfers of animals and birds – reduces the application fee; 319: the land sales full disclosure act – reduces the application fee. But, I think here's the one that really grabs me: and, that's the reduction of the marriage license fee. It's only – I mean, for most of us – it's only one time! Right? One time! And, for me, it's been good for 50 years! So, I got 50 good years out of my marriage license fee. We reduce it by \$5. What are we going to do? Induce more marriages? The total, total reduction of all of these fees is \$200,000 – \$200,000. Now, I know my great friend from Derry appreciates the birds and animals reduction. Good Lord. How many birds and animals pay the damn fee? And, we're reducing it! That's the thing that's mindboggling to me. At this point in time, we're struggling for dollars – struggling for dollars – and, we're reducing fees. And, as I said, the marriage license fee: I want to induce more marriages. I mean, I think that's the greatest thing since sliced bread. We should have more marriages. People are resisting me in that context. But, all three of my children got married – still married! So, I'm a promoter. But, reducing it... And, what happens? Where does that money go? It goes to harassment – the sexual harassment money. And, there's a reduction in that area.

The reduction of the tobacco tax: The Revenue Administration indicates that that may cost us \$14 million – \$7 million in each year of the bien-nium. We hope it's going to be offset by an increase in sales. I don't know if you saw the most recent item by the Food and Drug Administration, which now says that each package of cigarettes will have on it a picture of what happens to smokers: what your lungs look like, what your heart looks like, the deterioration that takes place in your body. The Surgeon General of the United States of America has articulated over and over again: Smoking is hazardous to your health. And, the costs associated with that on the other side are enormous, because you go for treatment for lung cancer and other associated diseases. And, we're reducing the tax, and we're hoping to sell more cigarettes to counterbalance it. It just doesn't make good sense to me at this time. We currently have the lowest cigarette tax in the area: Vermont, Maine, and Massachusetts are higher. Our tobacco tax has been producing significant revenue. To run

the risk of giving up \$15 million at a time when a budget is balanced very carefully and very fragilely. We run a risk of giving up \$15 million. And, our Revenue Administration, in its report, indicates that that could be the ultimate result.

So, think of that; think of those sections of House Bill 2 that, really, are under the radar screen because we didn't really pay a lot of attention to those sections unless we were on the Committee. But, when I looked at it and I saw the transfer of animals and birds – we reduced it from \$350 to \$200, and after January 1st from \$175 to \$100, I said to myself: "Where are we in the real world?" Think about those things as we think about the people we serve, what we had to do in terms of operating this budget, and what's going to happen as we move forward. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. This budget is made up of two components, just like our home budgets: income, or revenue, and spending. What has been addressed this morning are concerns in cuts in spending. What has not been addressed are the revenues that support state spending. Serving on the Ways and Means Committee, I have seen these revenues, serving on that team, and they have been severely impacted by the largest downturn in the economy since the Great Depression. We've had to be as accurate as possible in our revenue projections for the next biennium. This is especially important in the midst of more talk of another recession possibly, and cuts in economic growth projections just this week alone, where some of the GDP figures have been cut in half for the next two years. A well-crafted budget is highly dependent on accurate revenue projections. While I would like to think that our revenue would grow robustly to spend on more programs, in the midst of much uncertainty, I don't think this is prudent for our state and our citizens in the midst of a \$14 trillion deficit sitting on our, and most importantly, children and grandchildren's shoulders. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Morse.)

SENATOR LARSEN: Senator Morse, in the midst of your statements, you made a reference to the assumed rate of return in the most recent discussion with retirement in House Bill 2. Are you saying that, acknowledging, in fact, that the assumed rate of return in the retirement system is one which can be set by the retirement system, and that in fact, are you acknowledging that the retirement system is an entity that the state budget does not control in terms of its rate of return, that the retirement system chooses its rate of return and that the State Senate and House do not?

SENATOR MORSE: Thank you for the question. Let me make it clear on why I read that language in here: When the Senate passed its budget, the budget that went into the committee of conference, we had not had Senate Bill 3 fully negotiated. When we passed our budget, the strongest language in there was what our intent was and how the calculation were going to make those numbers work. When we got to committee of conference, Senate Bill 3 passes, the recalculations came, and people didn't follow what was in our legislation that we passed here in the Senate. I wanted to make it clear, and I asked for language to make it clear, how we intended for that to work. And, that's what we did.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Morse.)

SENATOR LARSEN: So, do you believe the Legislature can set the assumed rate of return for the retirement system?

SENATOR MORSE: I believe the Legislature can draft what they honestly believe the law should be, and that's what I did in this case.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. Just to clarify the issue on the pet stores: That is an inspection fee. Current law requires the state veterinarian to inspect the pet stores twice a year; that fee was to cover the expense of the inspection. The House did reduce that. So, to make it neutral to the Department of Agriculture, the Senate changed it from a biannual inspection to a once-a-year inspection. There is no increase or decrease to the State or to the Department by doing that. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much again, Mister President. We've had a really interesting discussion here this morning. I really have to salute my good friend from Manchester for trying to bring a sense of humor to the difficulty of the discussions that we're having today. And, you know, talking about the pet licensure fee or marriage license or tobacco taxes is very much a small part of the overall compromise – and, that's what it is: a compromise – between our friends on the other side of the wall and the Senators. And, there's no budget that anybody would ever say is perfect; there is no budget that everybody ever gets their entire way on. And, I remember, Senator, that you voted against the budget that you brought to the floor a couple of years ago because you objected to certain parts of it. That's what a compromise is about. And, I think what we need to remember today is the budget, HB 1, is how we manage our state's fiscal house for the next two years. But, what Senator Morse has created in HB 2 is really a blueprint for how we're going to meet the future obligations of the State of New Hampshire in the most responsible way possible and in the most innovative way possible, and meeting those obligations while becoming much more efficient.

And, let's talk about some of the reforms that are in HB 2, starting with managed care: The Governor's already signed that legislation, but it also was incorporated into HB 2. We are going to take the single most costly item in state government and make it much more efficient. And, you know what? All 24 of us voted for that legislation because it makes sense. The Governor called for it and we did it. Senator Morse brought forward retiree healthcare; we all know there's been a problem. Senator D'Allesandro, you led the efforts to reform retiree healthcare a couple of years ago. We're taking that to the next step to make sure that outcomes are matching reimbursements. Senator Morse, again, has talked about Corrections and how we make the Corrections Department – one of the few departments that the Governor proposed an increase in spending in – more efficient in the future. Thankfully, the shoreland protection act is in HB 2. It's one of the few jobs initiatives that we've passed this year. And, again, all 24 of us supported it because it is a jobs initiative that was long overdue. We've recognized that if we want to attract businesses to the State of New Hampshire, we've got to get our net operating loss provision in line with what the rest of New England and the rest of the country does. And, Senator Luther's bill is in HB 2 with an implementation date of fiscal year 2013. Reasonable comp changes have been made, while not a part of this budget – critical to not be taxing business owner income. I can't say enough how important that is for the future of the State of New Hampshire; again, all 24 of us supported it. Contract consolidation: Something Governor Lynch has talked about for a number

of years to save money so that dollars are not spent on administrators; dollars are spent on people who need services. And, lastly: retirement reform. We've had that debate so many times before; we don't need to rehash it, except for the fact that it has to be done.

HB 2 is about how we're going to meet our future obligations – how we're going to do so in the most cost-effective, efficient, small-government but caring way possible. HB 1 sets the stage for how we deal with the fiscal difficulties that our state is facing. HB 2 allows us to set the stage for future budgets that meet our expectations, meet our needs, and do so in a much more effective and cost-efficient manner, and I hope that all of us can support it.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. What a beautiful day. Last night, as you can see, wasn't a beautiful night. But, today is a beautiful day, and it's another day. I want to start off by saying I am definitely in full, 100 percent support of House Bill 2. However, as usual, on a bill that size, there might be a few things in there that people aren't happy with. In spite of that, I think House Bill 2 is a great piece of legislation; we need it to make House Bill 1 work. So, I hope everyone agrees and votes to push this thing over to the House and move it along.

But, there is one little section in there that bothers the heck out of me, and Senator Larsen and Senator D'Allesandro alluded to it. And, guess what it's called? The cigarette tax. In all my few years up here, I have never seen an industry twist and push our Legislature the way the tobacco industry pushed this Legislature and the one on the other side of the wall. The robocalls that came in, the calls I got: the poor people were coughing and hacking, begging me to vote for the cigarette tax reduction. So, I want to say this: The years I've been here, I have never, never voted for a cigarette tax increase. Please understand that. Please understand I've stood on this floor and voted against legislation that would make business owners prohibit smoking in their establishments. I didn't think the State had any damn business telling business owners whether they could have smoking or not smoking. I owned five McDonald's restaurants and I put smoking out – Christ! – ten years ago! I was the first McDonald's franchise in New Hampshire to prohibit smoking. But, the State didn't have to tell me that; my common sense told me that. I'm not against people who smoke; I used to smoke. Fine. If people want to smoke, damn it all, if you've got 'em, light 'em up. That's what we used to say in the service after that 20-mile hike: If you've got 'em, light 'em up. Help yourself; I don't give a darn. I don't mind the cigarette smoke; it hasn't killed me yet. I'm 80 years old and I'm still breathing. But, I do object to an industry pushing the way they did to get this 10 cent reduction. And, I think the border towns – I can understand the Senators in the border towns having a problem with that. But, I don't think somebody from Lawrence, Massachusetts is going to drive up to Salem to save 10 cents on a pack of cigarettes when he's going to spend a buck-and-a-half in gasoline to get there. But, maybe I'm wrong. The one nice thing about it: There is a clause in there that after two years this puppy will sunset. I think the tobacco industry wants to use New Hampshire as a big deal, saying: "Gee, look at that: New Hampshire reduced their cigarette tax." Now, why would a cigarette company want to do that? They want to do that because they want to sell more cigarettes. Now, what's wrong with that? I'm a business guy; I want to sell my hamburgers for 10 cents less than the guy across the street; that's good business.

I wonder if this article that I picked up in the paper this morning in the *Union Leader* had something to do with the tremendous push and the hammer held over the head of this Legislature – both sides of the wall – had on it. I'm going to read it to you:

"Cigarette warning labels unveiled." Senator D'Allesandro alluded to it. "The U.S. Department of Health and Human Services on Tuesday unveiled a group of graphic images and messages that will cover the top half of every cigarette package in the United States starting this fall. Food and Drug Administration Commissioner Margaret Hamburg" – that's a good name – "said her agency estimated that the new campaign could induce as many as 213,000 established smokers in the United States to quit in the first year. Now, you don't suppose the tobacco industry knew about this before they started making robo-calls to us, and putting the arm on some of us to vote for a 10 cent reduction. And, I take offense to it. And, I also want to tell you that over the years, I have received campaign contributions from cigarette companies; I've accepted them. But I'm going to close by saying if by some chance someone isn't making notes of what I'm saying about these cigarette companies and somebody in tobacco land sends me a check, I'm going to happily accept it, endorse it, and send it to the New Hampshire Cancer Society. Thank you very much, and I am going to vote for House Bill 2 because I think it's a terrific piece of legislation. So, come on guys and gals, and join with me on it.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes. The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

The Committee of Conference has been discharged and the House requests a new Committee of Conference.

The Speaker, on the part of the House, has appointed as members of said Committee:

REPRESENTATIVES: C. McGuire, Pilotte, Winter, Bowers

SUSPENSION OF SENATE RULES

Sen. Bradley moved that the Rules of the Senate be suspended as to allow after the deadlines: the formation of a new Committee of Conference, sign-off on a new Committee of Conference report, and reporting of the new Committee of Conference on SB 33.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. This is necessary to make sure that Senate Bill 33 is consistent with House Bill 2. The question is on the motion to suspend the rules. Adopted by necessary 2/3 vote.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

Sen. Bradley moved that the Senate discharge the members and that the Senate accede to the request to a new committee of conference on SB 33. Adopted.

The President appointed Senators Carson, Groen, D'Allesandro.

June 14, 2011

2011-2429-CofC

10/04

Committee of Conference Report on HB 25-FN-A, an act making appropriations for capital improvements.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General	
A. Statewide Facilities Improvements	\$ 1,000,000
Less Federal Funds	(750,000)
Net state appropriation subparagraph A	250,000
B. Statewide Readiness Center Restoration and Modernization	2,500,000
Less Federal Funds	(1,250,000)
Net state appropriation subparagraph B	1,250,000
Total state appropriation paragraph I	\$1,500,000
II. Department of Administrative Services	
A. Court Facilities	
1. Rockingham Cty. Courthouse-Reseal Parking Lot/Drainage Repair	\$ 300,000
2. Milford-Site and Plan Design – Court Facilities	50,000
Total state appropriation subparagraph A	\$ 350,000
B. Facilities and Asset Management	
1. Gov. Hugh Gallen SOP-Main Bldg FACP Replacement	\$355,000
2. Lakes Region Facility Campus Site Environmental Survey II *	300,000
3. Driveway/Parking and Walkway Paving Phase 2	575,000
4. Main Building Kitchen Roof Repair	500,000
5. Lakes Region Facility Campus Roof Repair-Multiple Bldgs.	300,000
6. Gov. Hugh Gallen SOP-Main Bldg-ADA Restrooms	425,000
7. Philbrook Center Renovation	3,575,000
Total state appropriation subparagraph B	\$6,030,000

C. Financial Data Management	
1. Critical IT Infrastructure	\$1,500,000
2. Enterprise Resource Planning Phase II, Human Resources and Payroll Systems	<u>3,648,998</u>
Total state appropriation subparagraph C	\$5,148,998
D. General Services	
1. All State Owned Facilities -Emergency Repairs	\$ 1,000,000
2. Statewide Energy Efficiency Improvements	500,000
3. Londergan Hall-New Roof	161,000
4. State House/LOB-Tunnel Elevettes	91,000
5. State House Capitol Dome Renovation, Repair, and Restoration**	700,000
6. Health and Human Services-Window Repairs	730,000
7. State House Annex-Window Repairs	<u>355,000</u>
Total state appropriation subparagraph D	<u>\$3,537,000</u>
Total state appropriation paragraph II	\$15,065,998

* The appropriation in subparagraph B, 2 shall not be expended, obligated, or encumbered without the prior approval of the capital budget overview committee.

**Given the historical and cultural significance of the State House Capitol Dome, eligible federal funds shall be applied for, and to the extent made available, shall reduce the amount appropriated in subparagraph D, 5 by a like dollar amount.

III. Department of Corrections

A. Replacement of Doors and Operating System for Cells and Entrance in the Special Housing Unit	<u>\$1,300,000</u>
Total state appropriation paragraph III	\$1,300,000

IV. Department of Education

A. Pre-Engineering Technology Career Pathway	\$100,000
B. Renovation of CTE Center – Pinkerton	7,875,000
C. Renovation of CTE Center – Laconia	<u>7,125,000</u>
Total state appropriation paragraph IV	\$15,100,000

V. Department of Employment Security

A. Renovation of Tobey Building and Construction of Parking Garage	\$22,500,000
Less Other Funds*	(22,500,000)
Net state appropriation subparagraph A	<u>0</u>
Total state appropriation paragraph V	0

* To provide funds for the appropriation made in subparagraph V, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes pursuant to subparagraph V, A shall be made from the contingent fund established in RSA 282-A:140. An amount equal to the proceeds derived from the sale of any of the department's currently owned real estate shall be applied to the bonds and notes issued pursuant to subparagraph V.

VI. Department of Environmental Services

A. Clean Water State Revolving Fund Loan Program	\$16,225,952
Less Other Funds*	<u>(16,225,952)</u>
Net state appropriation subparagraph A	0

B. Drinking Water State Revolving Fund State Match	6,420,220
Less Other Funds*	(6,420,220)
Net state appropriation subparagraph B	0
C. Dam Repairs and Reconstruction**	3,300,000
D. Great Bay Oil Spill Protection Strategy	545,000
Less Other Funds*	(545,000)
Net state appropriation subparagraph D	0
E. WRBP Infrastructure Capital Improvements	3,950,000
Less Other Funds*	(3,950,000)
Net state appropriation subparagraph E	0
F. Suncook River Infrastructure Protection Project	1,035,000
Total state appropriation subparagraph F	<u>\$1,035,000</u>
Total state appropriation paragraph VI	<u>\$4,335,000</u>

* To provide funds for the appropriations made in subparagraphs VI, A, B, D, and E the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$27,141,172 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

(a) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, A and B shall be made from the state water pollution control and drinking water revolving loan funds established in RSA 486:14.

(b) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, D shall be made from the oil pollution control fund established in RSA 146-A:11-a.

(c) Payments of principal and interest on the bonds issued under subparagraph VI, E shall be made from the special fund established in RSA 485-A:50, VI.

** The sums appropriated in subparagraph VI, C shall be for the following projects: Boundary Pond Dam, Bunker Pond Dam, Buck Street Dam, Seaver Reservoir Dam, Northwood Lake Dam, Scotts Bog Dam, Mendums Pond Dam, Cass Pond Dam, Shehan Pond Dam, and Barnstead Parade Dam. The department is authorized to reallocate appropriated funds as necessary to address emergencies or alternate repairs or reconstruction needs at other dams if delays in other projects occur. The department of environmental services shall report quarterly to the capital budget overview committee relative to the status of dam repairs and reconstruction projects funded pursuant to subparagraph VI, C, and, in addition, such reporting shall include the status of any dam repairs, removal and reconstruction projects funded pursuant to 2007, 264:1, VII, F, as extended by 2009, 145:19, 43 and as extended by this act.

VII. Department of Health and Human Services

A. Fire Protection Sprinklers	\$1,125,000
B. Administration Building Fire Safety/ ADA Compliance	385,000
C. Nurse Call System	265,000
D. APS Repairs/Renovations-Roof, Windows and Curtain Wall	4,050,000
E. New Roof-Boiler House Building	103,000
F. New Roof-Campus Edge Building	110,000
G. Incremental Renewal of New HEIGHTS	7,500,000
Less Federal Funds	<u>(3,196,500)</u>
Net state appropriation subparagraph G	4,303,500

H. Electronic Health Record*	335,000
I. Regional Assessments Database II (RAD II)	1,000,000
Less Federal Funds	<u>(400,000)</u>
Net state appropriation subparagraph I	600,000
J. Administrative Appeals Unit-Video Conferencing	268,800
Less Federal Funds	<u>(107,520)</u>
Net state appropriation subparagraph J	161,280
K. Warehousing Infrastructure/Inventory Management Proj.	2,000,000
Less Federal Funds	<u>(1,900,000)</u>
Net state appropriation subparagraph K	100,000
L. Replatform Option Application	722,200
Less Federal Funds	<u>(361,100)</u>
Net state appropriation subparagraph L	361,100
M. Handicap Access and Elevator (ADA) Administration Bldg	175,000
N. DPHS Radiochemistry Laboratory Improvements	50,000
O. Brown Building at Glencliff - Window Replacement	390,000
P. Howard Recreation Building Renovations - Roof & Brickwork	480,000
Q. Transformation Initiative-ACCESS Front Door Release 2	15,000,000
Less Federal Funds	<u>(13,500,000)</u>
Net state appropriation subparagraph Q	1,500,000
Total state appropriation paragraph VII	\$14,493,880

* The department of health and human services shall work in consultation with the department of information technology on completion of the electronic health record project under subparagraph VII, H.

VIII. Department of Information Technology	
A. Data Center Upgrade	\$1,606,500
B. Network Operations Infrastructure Upgrade and VOIP	4,851,953
C. Business One Stop Center	<u>2,081,984</u>
Total state appropriation paragraph VIII	\$8,540,437
IX. Judicial Branch	
A. Prisoner Video Conference	\$541,085
B. Call Center *	57,500
C. E-Court Initiative	<u>1,951,000</u>
Total state appropriation paragraph IX	\$2,549,585

* The judicial branch shall work in consultation with the department of information technology on completion of the call center project under subparagraph IX, B. To the extent necessary, the department of information technology shall assign the highest priority to the completion of the judicial branch call center to ensure completion of the project by September 1, 2011.

X. Liquor Commission	
A. Hooksett North and South Store Additions	\$8,400,000
Less Other Funds*	<u>(8,400,000)</u>
Net state appropriation subparagraph A	0
B. Portsmouth Store 38 Roof Replacement	115,000
Less Other Funds*	<u>(115,000)</u>
Net state appropriation subparagraph B	0
C. Build Liquor Store - Chesterfield**	2,100,000
Less Other Funds*	<u>(2,100,000)</u>
Net state appropriation subparagraph C	0

D. Build Liquor Store – Manchester***	2,100,000
Less Other Funds*	(2,100,000)
Net state appropriation subparagraph D	0
Total state appropriation paragraph X	0

* To provide funds for the appropriations made in subparagraph X, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$12,715,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16. The appropriation in subparagraph X, A shall not be expended, obligated, or encumbered without the prior approval of the capital budget overview committee.

** The liquor commission shall purchase the land necessary for the construction of a liquor store in Chesterfield under subparagraph X, C from the department of transportation. All proceeds received by the department of transportation for the sale of such land to the liquor commission shall be deposited into the highway and bridge betterment account established under RSA 235:23-a.

*** The appropriation made in subparagraph X, D for the construction of a liquor store in Manchester shall be subject to negotiation by the liquor commission with the city of Manchester, and approval by the capital budget overview committee, up to the amount appropriated under subparagraph D. Any lease of land to be used by the liquor commission for the purposes of constructing such store shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval.

XI. McAuliffe-Shepard Discovery Center

A. Original Planetarium – Replace Existing Roofing and Seats	\$149,000
Total state appropriation paragraph XI	\$149,000

XII. Department of Resources and Economic Development

A. Fire Tower Maintenance	\$170,000
B. State Park Repairs*	1,500,000
C. Mt. Washington State Park-Sherman Adams Bldg. Concrete Repair	180,000
D. North Hampton State Beach Redevelopment	450,000
E. Hampton Beach North Seawall Repair**	1,000,000
F. Cannon Upgrades/Snowmaking	500,000
Less Other Funds***	(500,000)
Net state appropriation subparagraph F	0
Total state appropriation paragraph XII	\$3,300,000

* No funds appropriated in subparagraph XII, B shall be used for the Nansen Wayside ski jump and officials tower.

** The appropriation made in subparagraph XII, E, may be used as matching money for eligible federal funds to build further sections of the Hampton Beach Seawall.

*** To provide funds for the appropriations made in subparagraph XII, F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Cannon Mountain capital improvement fund established in RSA 12-A:29-c.

XIII. Department of Safety

A. E-911 Next Generation	\$3,702,000
Less Other Funds*	<u>(3,702,000)</u>
Net state appropriation subparagraph A	0
B. Suncook River Property Acquisition and Hazard Mitigation**	<u>2,000,000</u>
Total state appropriation paragraph XIII	\$2,000,000

* To provide funds for the appropriations made in subparagraph XIII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,702,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the enhanced 911 system fund established in RSA 106-H:9.

**The state funds authorized in subparagraph XIII, B for Suncook River property acquisition and hazard mitigation projects may be used by the department to match federal funds, including but not limited to, grants from the Federal Emergency Management Agency (FEMA).

XIV. Department of Transportation

A. 2.5 percent Match for Federal Aviation Administration Projects	\$28,816,866
Less Federal Funds	<u>(28,077,972)</u>
Net state appropriation subparagraph A	738,894
B. Transit Match: Bus Replacement	<u>183,500</u>
Total state appropriation paragraph XIV	\$922,934

XV. Veterans Home

A. Electronic Medical Records*	\$840,000
Less Federal Funds	<u>(546,000)</u>
Net state appropriation subparagraph XV	\$294,000

* The veterans home shall work in consultation with the department of information technology on completion of the electronic medical records project under subparagraph XV, A.

XVI. Community College System of New Hampshire

A. Manchester Community College Student Center	\$6,000,000
Less Other Funds*	<u>(6,000,000)</u>
Net state appropriation subparagraph A	0
B. Career and Technical Building Projects	<u>18,815,000</u>
Total state appropriation paragraph XVI	\$18,815,000

* To provide funds for the appropriations made in subparagraph XVI, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

XVII. Fish and Game Department

A. Jones Pond Dam Repair/Reconstruction	\$450,000
Less Other Funds*	<u>(450,000)</u>
Total state appropriation paragraph XVII	0

* To provide funds for the appropriations made in subparagraph XVII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$450,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fisheries habitat management account established in RSA 214:1-g.

XVIII. Pease Development Authority, Division of
Ports and Harbors

A. Hampton and Seabrook Harbors Dredging	\$1,379,310
Less Other Funds*	(1,379,310)
Net state appropriation subparagraph A	0
B. Hampton Harbor Marine Facility	\$1,500,000
Less Other Funds*	(1,500,000)
Net state appropriation subparagraph B	0
Total state appropriation paragraph XVIII	0

* To provide funds for the appropriations made in subparagraphs XVIII, A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,879,310 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42.

Total state appropriation section 1 \$88,365,294

Amend the bill by replacing section 5 with the following:

5 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$97,778,481 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund \$88,365,294 and highway funds \$9,423,187; with other funds \$77,887,482.

Amend the bill by replacing sections 18 and 19 with the following:

18 Capital Appropriation; Liquor Commission. Amend 2009, 145:1, VIII to read as follows:

VIII. Liquor Commission.*

A. Hampton North Roof Replacement	\$220,000
B. Build Liquor Store – Nashua	[4,800,000] 4,438,000
C. New Manchester Airport Store	75,000
D. Relocate Portsmouth Store	143,000
E. Remodel North Hampton Store	144,000
Total state appropriation paragraph VIII	\$5,020,000

* If HB 1-A and/or HB 2-FN-A-LOCAL of the 2009 legislative session become law and contain provisions to dedicate liquor commission revenues to a liquor commission fund, then the state appropriation to the liquor commission for the projects authorized in this paragraph shall be reduced to \$0. Upon such reduction, to provide funds for the appropriations made in subparagraphs A ~~and B~~ **through E**, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$5,020,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the said liquor commission fund. ***The appropriations made in subparagraphs VIII, B, C, D, and E shall lapse on July 1, 2012.***

19 University System of New Hampshire; Report on Future Capital Needs.

I. The Knowledge Economy Education Plan (KEEP NH) was a highly successful program that resulted in renovation and expansion of science,

engineering, and technology facilities across the University System of New Hampshire, plus other important infrastructure improvements. The USNH is hereby directed to provide a report outlining the capital appropriation funding needed to support an initial allotment to KEEP-UP, the successor program to KEEP, that will address ongoing deferred maintenance for the biennium ending June 30, 2019.

II. The KEEP-UP report described in paragraph I shall be filed no later than October 1, 2011 with the governor, speaker of the house of representatives, senate president, chairperson of the house public works and highways committee, and chairperson of the senate capital budget committee.

Amend section 28 of the bill by deleting paragraph 102 and renumbering the original paragraphs 103 - 108 to read as 102 - 107, respectively.

Amend the bill by replacing section 29 with the following:

29 Effective Date.

I. Section 18 of this act shall take effect upon its passage.

II. Section 28 of this act shall take effect June 30, 2011.

III. The remainder of this act shall take effect July 1, 2011.

The signatures below attest to the authenticity of this Report on HB 25-FN-A, an act making appropriations for capital improvements.

*Conferees on the Part
of the Senate*

Sen. Boutin, Dist. 16
Sen. Rausch, Dist. 19
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Chandler, Carr. 1
Rep. Seidel, Hills. 20
Rep. Graham, Hills. 18
Rep. E. Smith, Ches. 4
Rep. Campbell, Hills. 24

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. There are essentially four changes in the capital budget House Bill 25 that we all voted for here in the Senate, and I'll explain them in this way: First of all, the first change is we agreed with the House to add \$700,000 for the base of the dome, which is up here, and we don't want the dome falling in our chamber. So, we agreed to do that. Secondly, the Senate agreed to add \$800,000 to the Corrections capital budget because we had heard new testimony, new information about the safety and security issue regarding the doors in the high-security unit of the state prison. So, we agreed to that change. The third one was we added \$138,000 back into state parks maintenance. And, the fourth item that we concurred on is the addition of two new liquor stores to be constructed: one in Chesterfield and the other in Manchester. And, I think what's important to note here is that while we all understood that after debt service and expenses there would be net revenue over \$1 million to the general fund. And, Lord knows, in this day in age, we need more revenue. But, it's also important to note these are not general fund bonds, these are bonds "other", meaning the operating revenue of the liquor commission will pay the debt service.

So, Mister President, that sums up the differences between the House and the Senate, and we would ask the Senate to agree with the Senate Capital Budget Committee.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise to point out that sometimes bipartisanship works well, and I think the capital budget was, in fact, a well-run confer-

ence committee thanks to our Chair in the Senate. And, it is one which reflects and recognizes the capital investment needs of our state. Those investments we're making in our state buildings and our parks, the investments we're making in the communities, the vocational centers at our high schools, the renovations that need to happen on an ongoing basis across the state will in fact help our state to become more successful producing self-supporting taxpayers as a result. We anticipate and hope that the new liquor stores will bring in additional revenue we can then recognize in the budget, as well, and that the capital dome above our heads will remain a proud example of the state capital of our state and reflective of the high quality that this state represents. So, I just rise to say it's a good capital budget and I think we will see some bipartisan support for that. Thank you.

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. Sanborn is in opposition to the adoption of the Committee of Conference Report on HB 25-FN-A.

**June 13, 2011
2011-2380-CofC
09/04**

Committee of Conference Report on HB 26-FN, an act relative to the definition of gross misconduct for purposes of unemployment compensation.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Unemployment Compensation; Definition of Gross Misconduct. Amend RSA 282-A:35 to read as follows:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or ~~[theft of]~~ ***a single theft or multiple thefts in the aggregate of*** an amount ***equal to or*** greater than ~~[\$500]~~ ***\$250***, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

2 Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:34 to read as follows:

282-A:34 Intoxication; Drugs; ***Theft.***

I. An unemployed individual who has been discharged for intoxication or use of controlled drugs as defined in RSA 318-B:1, VI, of such degree and rate of occurrence as to seriously hamper or interfere with the individual's work, shall be disqualified for benefits. Such disqualification shall continue until a period of not less than 4 weeks nor more than 26 weeks from the date of discharge, as may be determined by the commissioner, has passed and until such individual has earned wages as provided in RSA 282-A:32, I.

II. ***An unemployed individual who has been discharged for a single theft or multiple thefts in the aggregate of an amount greater than \$100 but less than \$250, where such conduct is connected with his or her work, shall be disqualified for benefits. Such disqualification shall continue until a period of not less than 4 weeks nor***

more than 26 weeks from the date of discharge, as may be determined by the commissioner, has passed and until such individual has earned wages as provided in RSA 282-A:32, I.

3 Effective Date. This act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on HB 26-FN, an act relative to the definition of gross misconduct for purposes of unemployment compensation.

*Conferees on the Part
of the Senate*

Sen. Barnes, Jr., Dist. 17

Sen. Carson, Dist. 14

Sen. Houde, Dist. 5

*Conferees on the Part
of the House*

Rep. Daniels, Hills. 6

Rep. Infantine, Hills. 13

Rep. Laware, Sull. 5

Rep. Goley, Hills. 8

2011-2380-CofC

AMENDED ANALYSIS

This bill clarifies the definition of gross misconduct for purposes of unemployment compensation, reduces the amount of a work-related theft resulting in the loss of wage credits, and disqualifies an unemployed individual who is discharged for single or multiple thefts in an amount greater than \$100 but less than \$250 from receiving unemployment benefits for 4 to 26 weeks.

PRESIDENT BRAGDON: Senator Barnes, can you fill us in on what the committee of conference did?

SENATOR BARNES: Yes, I certainly can, Mister President. But, I'm looking for my material. What was...26. Thank you, thank you, Senator. This is the one relative to the definition of gross misconduct. This is a piece of legislation that I was a sponsor of, or co-sponsor of, I should say. And, I certainly don't believe anybody should be stealing money; I think they should be dealt with in a harsh manner. But, the compromise was to bring it down from \$500 down to \$250. I agreed with that, and I think it was a good agreement. And, I think next year, that might rise a tad again. But, it is a step in the right direction.

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. Sanborn is in opposition to the adoption of the Committee of Conference Report on HB 26-FN.

June 14, 2011

2011-2389-CofC

10/05

Committee of Conference Report on HB 131, an act relative to indemnification of volunteers performing duties in the state park system.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 131, an act relative to indemnification of volunteers performing duties in the state park system.

*Conferees on the Part
of the Senate*

Sen. Forrester, Dist. 2
 Sen. Gallus, Dist. 1
 Sen. Merrill, Dist. 21

*Conferees on the Part
of the House*

Rep. Renzullo, Hills. 27
 Rep. Kappler, Rock. 2
 Rep. Spang, Straf. 7
 Rep. Tregenza, Carr. 2

(The Chair recognized Sen. Forrester.)

SENATOR FORRESTER: Thank you, Mister President. Basically, the House had extended the repeal date of the state park system advisory council; the Senate had made an amendment to do away with that, and in the committee of conference they agreed to go back to the House position.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 15, 2011
 2011-2475-CofC
 05/01**

Committee of Conference Report on HB 248, an act establishing a commission to study business regulations in New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 359-K:1, II(c)(18) and (19) as inserted by section 1 of the bill by replacing them with the following:

(18) One representative of the building and construction trades, appointed by the governor.

(19) One representative of labor, appointed by the governor.

Amend RSA 359-K:1 as inserted by section 1 of the bill by deleting RSA 359-K:1, II(d).

Amend RSA 359-K:1, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall solicit information from the department of environmental services and other relevant state agencies. State agencies shall cooperate with the commission, and provide data, information, reports, and testimony to the commission upon request.

Amend RSA 359-K:1, IX as inserted by section 1 of the bill by replacing it with the following:

IX. The commission shall submit a final report of its findings, including input from relevant state agencies, and any recommendations for proposed legislation to the parties listed in paragraph VIII on or before October 31, 2012.

2011-2475-CofC

The signatures below attest to the authenticity of this Report on HB 248, an act establishing a commission to study business regulations in New Hampshire.

*Conferees on the Part
of the Senate*

Sen. Sanborn, Dist. 7
 Sen. DeBlois, Dist. 18
 Sen. Kelly, Dist. 10

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 7
 Rep. Jennifer Coffey, Merr. 6
 Rep. Mirski, Graf. 10
 Rep. Schlachman, Rock. 13

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. In the committee of conference report... This is a piece of legislation that came over from the House to specifically look at business-to-government regulations and how we might be able to streamline it and make better job opportunities and expand the economic base. Over in the Senate, there was a decision, an amendment made to the bill that would incorporate putting two members from labor and the Commissioner from DES onto the committee. During the committee of conference, it was decided to amend it to say that one representative from the construction trade, one representative from labor would be appointed by the Governor, and as opposed to just having one commissioner from all of our agencies come over and participate in the process that on each area of discussion that the commission would specifically solicit input from whichever commissioner that was, so incorporating the ability to bring all the commissioners over at the appropriate time, and during the final report request that all the commissioners participate in the report-writing. And, we ask your support.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 1, 2011
2011-2261-CofC
10/05**

Committee of Conference Report on HB 299-FN, an act relative to the method of financing for the judicial retirement plan.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 100-C:13, III(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability". On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~ **30 years from January 1, 2010 or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

The signatures below attest to the authenticity of this Report on HB 299-FN, an act relative to the method of financing for the judicial retirement plan.

*Conferees on the Part
of the Senate*

Sen. Carson, Dist. 14
Sen. Luther, Dist. 12
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. K. Hawkins, Hills. 18
Rep. Cohn, Merr. 6
Rep. Winter, Merr. 3
Rep. Sanborn, Merr. 5

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. This bill allows the judicial retirement system to amortize its unfunded liability with interest over 30 years. This matches the 30-year repayment scheduled for the unfunded liability of the New Hampshire retirement system. The committee of conference addressed a simple date change to further match the two systems. We would ask the Senate to concur. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 16, 2011
2011-2502-CofC
04/09**

Committee of Conference Report on HB 337-FN-LOCAL, an act relative to the calculation and distribution of adequate education grants.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Adequate Education; Definitions. RSA 198:38, I is repealed and re-enacted to read as follows:

I. "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

The signatures below attest to the authenticity of this Report on HB 337-FN-LOCAL, an act relative to the calculation and distribution of adequate education grants.

*Conferees on the Part
of the Senate*

Sen. Stiles, Dist. 24
Sen. Rausch, Dist. 19
Sen. Forsythe, Dist. 4

*Conferees on the Part
of the House*

Rep. L. Ober, Hills. 27
Rep. Daniels, Hills. 6
Rep. Renzullo, Hills. 27
Rep. Soucy, Hills. 17

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. The Senate and the House agreed to accept the language of Senate Bill 183, the Senate version of education funding, with one exception. And, that was that the average daily membership and attendance of pupils in kindergarten would be counted as a half day instead of a full day. And, we ask your acceptance.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 15, 2011
2011-2490-CofC
10/01**

Committee of Conference Report on HB 348-FN, an act transferring the duties of the racing and charitable gaming commission to the lottery

commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 287-D:2-e, III as inserted by section 23 of the bill by replacing it with the following:

III.(a) All digital records of coverage provided by cameras required by the standards in this section shall be retained for a minimum of 45 days.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of investigations by management personnel, shall be retained for a minimum of 90 days.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(f) All recordings may be destroyed after a period of 45 days, provided prior written notice is given to the commission by the game operator employer and the game operator employer receives written approval from the commission.

The signatures below attest to the authenticity of this Report on HB 348-FN, an act transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

*Conferees on the Part
of the Senate*

Sen. Odell, Dist. 8

Sen. Boutin, Dist. 16

Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Kurk, Hills. 7

Rep. Bowers, Sull. 3

Rep. Winter, Merr. 3

Rep. Hansen, Hills. 6

(The Chair recognized Sen. Odell.)

SENATOR ODELL: Thank you, Mister President. The committee of conference agreed that digital records from cameras...that establishments would only have to keep those records for 45 days unless there was involvement of suspected or confirmed gaming crimes, unlawful activity, or actions of investigations, and if so, they would have to be kept for 90 days. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 10, 2011
2011-2313-CofC
05/10**

Committee of Conference Report on HB 380, an act exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Commission on the Status of Men; Reinstatement. Pursuant to 2009, 144:87, I(a), the commission on the status of men, established in RSA 19-I, is hereby reinstated until December 31, 2013.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 Membership of the Commission on the Status of Men. Amend RSA 19-I:1 to read as follows:

19-I:1 Commission Established; Members; Appointment and Vacancy.

I. There is hereby created a state commission on the status of men, hereinafter called the commission, consisting of [7] **9** members.

II. All **nonlegislative** members of the commission shall be appointed by the governor and council for terms of 3 years each, provided that the initial appointees to the commission shall serve the following terms:

(a) The first 2 persons appointed shall serve one-year terms.

(b) The second 2 persons appointed shall serve 2-year terms.

(c) The last 3 persons appointed shall serve 3-year terms.

II-a. The commission shall include one member of the senate, appointed by the senate president, and one member of the house of representatives, appointed by the speaker of the house of representatives.

III. At least one member shall be invited from the university system of New Hampshire.

IV. If a vacancy occurs on the commission, the ~~[governor and council]~~ **original appointing authority** shall appoint a new member to fill the vacancy for the remainder of the term.

4 Compensation. Amend RSA 19-I:2 to read as follows:

19-I:2 Compensation. The members of the commission shall receive no compensation and shall not be entitled to reimbursement for expenses ~~[but shall be entitled to reimbursement for mileage at the same rate provided for state employees].~~

Amend the bill by replacing paragraph I of section 6 of the bill with the following:

I. Section 5 of this act shall take effect December 31, 2013.

The signatures below attest to the authenticity of this Report on HB 380, an act exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

*Conferees on the Part
of the Senate*

Sen. Carson, Dist. 14

Sen. Groen, Dist. 6

Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Winter, Merr. 3

Rep. Hansen, Hills. 6

Rep. Whitehead, Hills. 26

Rep. Bowers, Sull. 3

2011-2313-CofC

AMENDED ANALYSIS

This bill:

I. Extends the commission on the status of men to December 31, 2013.

II. Adds legislative members to the commission.

III. Directs the commission to examine the social and economic consequences of the absence of fathers from the home.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. The committee of conference concurred with the House to extend the commission until December 31, 2013 and to add two additional members: one appointed by the Speaker of the House and one appointed by the Senate President. And, we would ask the Senate to concur. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 9, 2011
2011-2306-CofC
10/05**

Committee of Conference Report on HB 462-FN, an act relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 2 and 3 with the following:

2 Application. The provisions of RSA 100-A:16, III-a as inserted by section 1 of this act shall not apply to a binding contract or a binding collective bargaining agreement in effect as of January 1, 2010, to the extent required by the contract or agreement, before the termination of such contract or the date on which the collective bargaining agreement terminates, or while the terms of the existing contract remain in force as a result of either the operation of law or the status quo doctrine, or a provision in the existing contract because the parties have failed to agree to a new contract or a contract extension, on or after January 1, 2010.

3 Retirement System; Effective Date; Employer Assessments. Amend 2008,300:35, VII as amended by 2009, 4:1 and 2010, 357:1, to read as follows:

VII. [Sections] **Section** 33 [~~and 34~~] of this act shall take effect July 1, [~~2011~~] **2012**.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 Repeal of Former Applicability Provision. 2008, 300:34, as amended by 2009, 289:3, relative to the applicability of RSA 100-A:16, III-a, is repealed.

The signatures below attest to the authenticity of this Report on HB 462-FN, an act relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

*Conferees on the Part
of the Senate*

Sen. White, Dist. 9
Sen. Groen, Dist. 6
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Hawkins, Hills. 18
Rep. Sedensky, Rock. 8
Rep. Bowers, Sull. 3
Rep. Winter, Merr. 3

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. There was a tussle over the date of when collective bargaining agreements would be effective in this bill. The House position was July 1, 2009; the Senate position was July 1, 2010. The agreement we came to was halfway in between: January 1, 2010. I recommend passage of it.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 8, 2011

2011-2297-CofC

01/09

Committee of Conference Report on HB 483-FN-LOCAL, an act relative to mosquito control.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 1 and 2 with the following:

1 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect, **or has previously been in effect within the last 3 years**, for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

2 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared, **or has been declared within the last 3 years**, by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

The signatures below attest to the authenticity of this Report on HB 483-FN-LOCAL, an act relative to mosquito control.

*Conferees on the Part
of the Senate*

Sen. Barnes, Dist. 17
Sen. Lambert, Dist. 13
Sen. Kelly, Dist. 10

*Conferees on the Part
of the House*

Rep. Sterling, Ches. 7
Rep. Ferrante, Rock. 5
Rep. K. Roberts, Ches. 3
Rep. Burt, Hills. 7

2011-2297-CofC

AMENDED ANALYSIS

This bill allows a municipality to commence mosquito control abatement activities on state lands where a public health threat is in effect or was in effect within the last 3 years under RSA 141-C:25.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. The House wanted five; the Senate wanted one. Add them together, it's six; you divide it by two, and came up with three.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 14, 2011
2011-2422-CofC
04/09**

Committee of Conference Report on HB 542-FN, an act prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 542-FN, an act prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

*Conferees on the Part
of the Senate*

Sen. Stiles, Dist. 24

Sen. Forsythe, Dist. 4

Sen. Carson, Dist. 14

*Conferees on the Part
of the House*

Rep. Balboni, Hills. 21

Rep. Pitre, Straf. 3

Rep. Hill, Merr. 6

Rep. Flanagan, Hills. 5

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. The House receded from its position and concurred with the bill as amended by the Senate with Amendment 2251, which requires that school districts adopt a policy allowing an exemption to specific course material based on a parent's or legal guardian's determination that the material is objectionable. And, we ask for the Senate to concur.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Can I ask Senator Forsythe a question?

PRESIDENT BRAGDON: Well, he did not speak.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Forsythe.)

SENATOR LARSEN: Senator Forsythe, thank you for the courtesy. I was hearing – and, I was not in some of the hearings on House Bill 542. But, I was hearing that under 542, if it were to become law, a parent could in fact object to any material for whatever reason. And, by removing the word “conscientious” – right now you can allow a parent or guardian to object for religious reasons for their children's involvement in health and sex education coursework, and then during the conference committee you learned that “conscientious” has religious and philosophical connotations. But, does this – by passing House Bill 542 are we allowing parents, for whatever reason, to object to course material – maybe new math – because perhaps they don't know how to teach their kids

new math, so why should the kids be allowed to learn new math? Are these the kinds of reasons we're going to let parents object to the course material? Any reason?

SENATOR FORSYTHE: That is correct; it is the parent's determination on what is objectionable, and it's not qualified by saying "conscientious". However, keep in mind that the other part of the bill says that the schools and the parents have to agree on a replacement, and that replacement has to meet the state standards, and the expense has to be borne by the parents. And so, yes, they can object to any material, but the school has to work with them on a replacement and agree to it. So, you know, in practice, this won't create an undue burden on the schools and standards will continue to be met.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Forsythe.)

SENATOR LARSEN: My major was anthropology in the university, and in fact I learned a lot about evolution and saw a lot of evidence for it. But, so, under this scenario, a parent could say: "I don't want my child to ever hear the word 'evolution' and I need them to learn creationism only." Is that the kind of result we might get from this?

SENATOR FORSYTHE: That question came up, and we addressed that question. Teaching evolution is in the state standards, and so that has to be taught in state standards. So, the parent could object to the book and the child wouldn't have to read it, but then they couldn't come up with any substitute that doesn't have evolution that meets the state standards. And so then the choice would have to be, do they want to lose credit for that course, which is a choice they'd be making in the first place, even without this bill. So, no; the state standards specifically require teaching evolution, and so that's not an issue.

SENATOR LARSEN: Thanks.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I just want to rise in opposition to this legislation. I did follow this through the Education Committee and some through the conference committee, but found that it was unacceptable, only in that we currently have in our statutes a process where parents can meet with teachers and superintendents and principals as well as the state school board and to make determinations in regard to material that they might find offensive in those classes. So, I find this legislation going too far-reaching and really upsetting the balance I think that we have on parental rights, children's rights, and also state standards, as well. Thank you.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I just would like to add that I believe that the language in this amendment does clarify who is responsible to pay for the replacement and an agreement has to be reached. So, I do think that this clarifies the situation.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Sen. Forsythe, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

**June 14, 2011
2011-2405-CofC
01/09**

Committee of Conference Report on HB 601-FN, an act relative to implementation of federal health care reform.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Federal Health Care Reform 2010. Amend RSA by inserting after chapter 420-M the following new chapter:

CHAPTER 420-N

FEDERAL HEALTH CARE REFORM 2010

420-N:1 Purpose and Scope.

I. The intent of this chapter is to preserve the constitutional integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United States Constitution and part I, article 7 of the New Hampshire constitution by creating a legislative oversight committee to supervise the insurance commissioner's implementation of the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder (hereinafter "the Act").

II. Further, it is the intent of this chapter to prevent the state of New Hampshire from defaulting into federal oversight regarding the Act by not meeting certain federally-mandated time frames for state implementation of the Act. It is the intent of this chapter to preserve the state's flexibility by allowing consideration of each state implementation requirement as it arises.

420-N:2 Definitions. In this chapter:

I. "Act" means the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder.

II. "Commissioner" means the insurance commissioner.

III. "Oversight committee" means the joint health care reform oversight committee established in RSA 420-N:3.

420-N:3 Joint Health Care Reform Oversight Committee Established.

I. There is established a joint health care reform oversight committee consisting of 6 members as follows:

(a) Three members of the senate, appointed by the senate president.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. The terms of the members shall be for the biennium and shall be coterminous with their membership in the general court. The oversight committee shall elect a chairperson from its membership. The oversight committee shall meet at the call of the chairperson who may call a meeting as often as necessary. The oversight committee shall require 4 members for a quorum.

III. The committee shall provide legislative oversight, policy direction, and recommendations for legislation with respect to the Act as it determines appropriate. The committee shall also review existing rules, bulletins, or policies adopted pursuant to 2010, 243 and may require the repeal of such rules, bulletins, or policies.

IV. The committee shall make a report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the chairpersons of the house commerce and consumer affairs and the health, human services and elderly affairs committees and the senate commerce and health and human services committees by December 1, 2011 and annually thereafter.

420-N:4 Implementation of the Act.

I. The oversight committee established under RSA 420-N:3 shall determine all policies within the state of New Hampshire regarding implementation of the Act, as directed by this chapter and by any future law enacted by the general court with respect to implementation of the Act.

II. Before establishing any standard for enforcing or implementing the Act, and before initiating any rulemaking proceeding relating to the Act, the commissioner shall obtain approval for the standard or rule from the oversight committee.

III. The commissioner shall make periodic reports as requested by the oversight committee on the provisions of the Act that have taken legal effect in New Hampshire and on the status of the commissioner's implementation and enforcement efforts under the Act.

IV. The commissioner shall not implement or enforce any provision of the Act that has been ruled unconstitutional or invalid by the United States Supreme Court.

420-N:5 Authority of the Commissioner. Only with such prior approvals from the oversight committee as are required under RSA 420-N:4, the commissioner shall have authority to:

I. Make, adopt, and amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Act relating to insurance;

II. Apply for any public or private grant funds available under the Act;

III. Apply for any waiver available under any specific provision of the Act;

IV. Adopt and apply standards consistent with the Act for form and rate review of insurance products and any other regulatory oversight functions performed by the department; and

V. Enforce the consumer protections and market reforms set forth in the Act that relate to insurance. This shall not include the medical assistance program under RSA 167.

420-N:6 Consistency. In order to prevent a default to federal regulation and to preserve the state's status as the sole regulator of the business of insurance within the state, the oversight committee shall have the authority to find, with respect to any specific provision within Title XXXVII, that the provision is inconsistent with and prevents the application of the Act. Upon such a finding, the commissioner may, on a provisional basis, implement this provision of the Act. The commissioner's author-

ity to implement this provision shall extend only until such time as the general court can take legislative action to amend Title XXXVII as it deems appropriate.

2 New Section; Federal Health Care Reform. Amend RSA 161 by inserting after section 10 the following new section:

161:11 Federal Health Care Reform. Before initiation of any rulemaking proceeding or waiver request under Public Act 111-148, as amended by Public Act 111-152, or any federal regulations, interpretations, or guidance issued thereunder, the commissioner shall obtain approval for the rule or waiver request from the joint health care reform oversight committee established in RSA 420-N:3.

3 Funds From Exchange Planning Grant Declined. The insurance commissioner shall decline the \$666,000 in exchange planning grant funds awarded to the insurance department by the federal Department of Health and Human Services and approved by the fiscal committee of the general court and the executive council for purposes of conducting initial planning activities related to the potential implementation of a state-designed health benefit exchange under the Patient Protection and Affordable Care Act. In declining the funds, the insurance commissioner shall indicate to the Secretary of the Department of Health and Human Services that it is the intent of the general court that the funds not drawn down be used for the purpose of reducing the federal budget deficit.

4 Effective Date. This act shall take effect July 1, 2011.

The signatures below attest to the authenticity of this Report on HB 601-FN, an act relative to implementation of federal health care reform.

*Conferees on the Part
of the Senate*

Sen. White, Dist. 9
Sen. Forrester, Dist. 2
Sen. Bradley, Dist. 3

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 7
Rep. Flanders, Belk. 4
Rep. Manuse, Rock. 5
Rep. Taylor, Graf. 2

2011-2405-CofC

AMENDED ANALYSIS

This bill establishes an oversight committee to provide legislative oversight, policy direction and recommendations for legislation with respect to the Patient Protection and Affordable Care Act of 2009 Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152. This bill requires the insurance commissioner to obtain approval from the oversight committee before implementing any of the federal changes. This bill also directs the insurance commissioner to decline certain exchange planning grant funds and to indicate to the Secretary of the Department of Health and Human Services that the money is to be used to reduce the federal budget deficit.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. The committee of conference made a couple major decisions with regard to this bill. The first one was in an effort to strengthen the Senate oversight we added another Senator to a total of three on the oversight committee. The second significant change was that the House insisted on adding language that directed the Insurance Commissioner to decline the \$666,000 exchange planning grant funds that that were awarded to the Insurance Department by federal Health and Human Services. Those were the two major changes in the bill in the committee of conference.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to House Bill 601 and the committee of conference report. First and foremost, I'd point out a process question, or issue, which is: this is like the third bite at the apple for this \$666,000. The Executive Council has accepted it, the Fiscal Committee has accepted it, and the conference committee decides: "We want another bite at this apple and we want to tell the Insurance Commissioner not to accept it." If the intent – and as I read the intent of 601 – is to prevent New Hampshire from defaulting into the federal oversight and preserve flexibility by considering each implementation requirement as it arises, I'm curious how exactly we do that if the first thing we do is tell the Insurance Commissioner that they can't have the money or the resources to look at planning grants. It just doesn't make sense, Mister President. This ultimately drag-your-heels approach – and, I do appreciate the work of Senator White and the efforts to have oversight with respect to New Hampshire-specific efforts – but, ultimately, if we're dragging our heels on this, we're going to do exactly the opposite of the intent, and that is we'll just default to the federal requirements. So, I caution that and rise in opposition to it because of that and would ask for a roll call.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I would just caution my colleagues that to reject this bill will cause the effect of having no oversight on the process. And, for those of you who want to move forward with implementation of the state response to the federal healthcare, I would point out that the current law that we're operating under, which, in 420-L, is due to sunset in eight days. And so, what will happen is the practical effect will be that there will be no direction to either the Department of Insurance or the Department of Health and Human Services from a legislative standpoint to work with implementation of how we're going to deal with federal healthcare.

To Senator Houde's point, I would make the point, as he well knows, that I was not in agreement of the clause that you had objection to, and as we discussed during the budget, sometimes things are a compromise, and I, as the lead on this committee, felt it was better to accede to the House position than lose the bill, and that was going to be the practical effect: we were going to lose the bill and lose the oversight and everything was going to stop in eight days. I would just caution my colleagues about the consequence of that. But, I understand you're going to have to make some difficult choices here.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

Sen. White asserts Rule 2-15 on HB 601-FN.

June 14, 2011
2011-2401-CofC
05/10

Committee of Conference Report on HB 605, an act authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 162-A:13-d, IV-VI as inserted by section 1 of the bill by replacing it with the following:

IV. Qualified venture capital funds are those funds that have by contract with the authority's board of directors agreed to invest, no later than 60 months after the execution of the guarantee or investment, the amount of the guaranteed or invested principal in businesses whose primary operations are located in New Hampshire and that, in opinion of the board:

(a) Will maintain a periodic presence in the state;

(b) Will build linkages to, and accept referrals from, some of the organizations promoting the state's innovation economy, including the authority, the Small Business Development Corporation, the university of New Hampshire Green Launching Pad, the department of resources and economic development, the New Hampshire Innovation Commercialization Center, the university system of New Hampshire, and other venture capital investors within the state;

(c) Will actively invest in companies establishing their first payroll accounts in the state;

(d) Express a commitment to seek investments in businesses in this state that meet its investment criteria;

(e) Demonstrate the ability to successfully manage rapid portfolio company growth leading to excellent returns on invested capital; and

(f) Will insure that funds will be invested solely in companies operating in New Hampshire and that such funds will be used solely for New Hampshire operations.

V. The application or investment of funds pursuant to this section shall be evidenced by written agreement entered into by the authority, other parties, and qualified venture capital funds with respect to such application or investment.

VI. All gains and losses shall be maintained in the New Hampshire innovation business job growth fund, the balance of which shall be continually reinvested in the innovation business job growth program.

VII. The authority shall establish such policies and procedures as it shall determine necessary to carry out the purposes of this section.

The signatures below attest to the authenticity of this Report on HB 605, an act authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

*Conferees on the Part
of the Senate*

Sen. Sanborn, Dist. 7
 Sen. DeBlois, Dist. 18
 Sen. Kelly, Dist. 10

*Conferees on the Part
of the House*

Rep. Major, Rock. 8
 Rep. Hess, Merr. 9
 Rep. Azarian, Rock. 4
 Rep. Almy, Graf. 11

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. As we've come to expect and we're grateful for, the House has acceded to the Senate position. As you know, there were some questions about trying to find a way to entice some venture capital to come into New Hampshire to help try and create some jobs, and throughout this process the House had asked for a 24-month limit on trying to find opportunities for this private investment fund to invest in, and the Senate thought that 60 months might be a more appropriate time. In addition to that, the Senate came up with some language to require that the funds themselves will be invested solely in companies operating in New Hampshire and that any funds will be used solely for New Hampshire operations. Additionally, all gains and losses maintained in the New Hampshire innovations business stock growth fund, the balance of which shall be continually reinvested into the fund itself. And, with that, I ask for everyone to support it.

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. Sanborn asserts Rule 2-15 on HB 605.

June 1, 2011

2011-2252-CofC

10/09

Committee of Conference Report on HB 622, an act relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 622, an act relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

*Conferees on the Part
of the Senate*

Sen. Barnes, Dist. 17

Sen. Stiles, Dist. 24

Sen. Merrill, Dist. 21

*Conferees on the Part
of the House*

Rep. Patten, Carr. 4

Rep. Sterling, Ches. 7

Rep. Ferrante, Rock. 5

Rep. D. Hooper, Straf. 5

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. The Senate sponsor on this legislation asked us to withdraw it, so we went along with the suggestion of our Senate colleague and agreed with the House. I ask you to please vote for it the way it came out.

The question is on the adoption of the Committee of Conference Report. Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

SB 12-FN, relative to screening panels for medical injury claims.

SB 45, relative to criteria for designation as a Granite State scholar.

SB 50, making various changes to laws regulating trusts and trust companies.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

SB 68, relative to records of disciplinary actions taken by the electricians' board.

SB 70-FN, relative to remedies in landlord-tenant actions.

SB 75-FN, relative to clarification of part-time service in the state retirement system.

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

SB 91, relative to automatic fire suppression sprinklers.

SB 92, establishing an economic strategic commission to review the relationship between business and government.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

COMMITTEE OF CONFERENCE REPORTS

Without objection, the Clerk shall read the first recommendation in its entirety and thereafter read the title of each bill only.

June 14, 2011

2011-2416-CofC

06/01

Committee of Conference Report on SB 12-FN, an act relative to screening panels for medical injury claims.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 519-B:13, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate

clerk, the governor, and the state library on or before December 1, 2013. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2013.

II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on SB 12-FN, an act relative to screening panels for medical injury claims.

*Conferees on the Part
of the Senate*

Sen. Houde, Dist. 5

Sen. Groen, Dist. 6

Sen. Luther, Dist. 12

*Conferees on the Part
of the House*

Rep. Rowe, Hills. 6

Rep. Giuda, Merr. 7

Rep. Peterson, Hills. 19

Rep. B. Palmer, Hills. 26

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. This bill was introduced to extend the life of the legislative oversight committee put in place to evaluate the medical malpractice screening panels process that we have. The committee of conference agreed to the Senate position and extended the committee's life to 2013 as opposed to 2012 in part to avoid a duplication of what happened this year which is that the committee sunset and we had to reconstitute it and start from scratch; this way we'll have a longer period of time to look at the performance of the screening panels and not fall through the cracks. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 13, 2011

2011-2367-CofC

04/10

Committee of Conference Report on SB 45, an act relative to criteria for designation as a granite state scholar.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 188-D:39, I as inserted by section 1 of the bill by replacing it with the following:

I. The granite state scholar designation shall be made for any New Hampshire resident who graduates in the top 10 percent of his or her class from an accredited ***or approved*** New Hampshire high school, and who receives a combined score ~~[of 1200 or more]~~ ***equaling at least 75 percent of the maximum possible score*** on the Scholastic Aptitude Test I, or the equivalent score on ~~[the ACT Assessment examination]~~ ***another nationally recognized and norm referenced assessment recognized by the department of education for the purpose of granting granite state scholar designation.*** The granite state scholar designation shall be determined using class rank and standardized test scores taken no later than January 31 of the student's senior year in high school.

The signatures below attest to the authenticity of this Report on SB 45, an act relative to criteria for designation as a granite state scholar.

*Conferees on the Part
of the Senate*

Sen. Stiles, Dist. 24
Sen. Forsythe, Dist. 4
Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Balboni, Hills. 21
Rep. Ladd, Graf. 5
Rep. Boehm, Hills. 27
Rep. Gile, Merr. 10

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. This bill had accredited high schools and we inserted the words: "or approved by New Hampshire Department of Education". While the Senate wanted to recognize that all schools should strive to be accredited, they also did not want to exclude the opportunity for any student that might meet other criteria for the scholar designation, and thus added the words: "or approved by New Hampshire Department of Education". And, the other change that was made was the words "approved test" to "recognized test". The assessment test used in the criteria for student acceptance as a Granite State scholar should be based on non-reference assessments since the Department of Education doesn't approve these tests, they recognize these tests, we changed the word from "approved" to "recognized". And, we ask that you agree.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 13, 2011
2011-2376-CofC
08/04**

Committee of Conference Report on SB 50, an act making various changes to laws regulating trusts and trust companies.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 564-B:12-1206(e) as inserted by section 14 of the bill by replacing it with the following:

(e) Nothing in this section shall limit the authority of the director of charitable trusts or the department of health and human services provided by common law or other statute.

Amend RSA 564-B:10-1005 as inserted by section 11 of the bill by inserting after paragraph (d) the following new paragraph:

(e) Nothing in this section shall limit the authority of the director of charitable trusts or the department of health and human services otherwise provided by common law or other statute.

Amend RSA 564:19 as inserted by section 5 of the bill by inserting after paragraph V the following new paragraph:

VI. Nothing in this section shall limit the authority of the director of charitable trusts or the department of health and human services otherwise provided by common law or other statute.

2011-2376-CofC

The signatures below attest to the authenticity of this Report on SB 50, an act making various changes to laws regulating trusts and trust companies.

*Conferees on the Part
of the Senate*

Sen. Bradley, Dist. 3
Sen. White, Dist. 9
Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 7
Rep. Jennifer Coffey, Merr. 6
Rep. McClarren, Hills. 21
Rep. Schlachman, Rock. 13

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you, Mister President. The House acceded to the Senate position in this trust legislation with regard to oversight by the Attorney General's Office and the Department of Health and Human Services.

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. White asserts Rule 2-15 on SB 50.

**June 15, 2011
2011-2486-CofC
04/09**

Committee of Conference Report on SB 52-FN, an act excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on SB 52-FN, an act excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

*Conferees on the Part
of the Senate*

Sen. Groen, Dist. 6
Sen. Luther, Dist. 12
Sen. Houde, Dist. 5

*Conferees on the Part
of the House*

Rep. Bettencourt, Rock. 4
Rep. Kreis, Merr. 6
Rep. Gagne, Hills. 13
Rep. Swinford, Belk. 5

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. The committee of conference, after some vigorous discussion, concurred with the Senate position on the bill, and I urge the adoption of the committee of conference report.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 14, 2011
2011-2420-CofC
10/03**

Committee of Conference Report on SB 53-FN, an act relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as 2-5, respectively:

1 New Paragraph; Nurse Practice Act; Definitions. Amend RSA 326-B:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Nurse" means a person authorized to practice nursing and who holds a current license to provide care as an APRN, RN, or LPN.

The signatures below attest to the authenticity of this Report on SB 53-FN, an act relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

*Conferees on the Part
of the Senate*

Sen. Luther, Dist. 12

Sen. Larsen, Dist. 15

Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Hess, Merr. 9

Rep. R. Ober, Hills. 27

Rep. K. Murphy, Hills. 18

Rep. Daugherty, Coos 1

2011-2420-CofC

AMENDED ANALYSIS

This bill adds a definition for nurse and clarifies the nursing assistant registry administered by the board of nursing.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. As the husband of a nursing professor at Nashua Community College, I'm happy to speak to this committee report. We addressed two issues: One was to clarify exactly what a nurse is, and the other was to make sure the funds came through the general fund. So, we agreed on that. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 14, 2011

2011-2395-CofC

10/09

Committee of Conference Report on SB 68, an act relative to records of disciplinary actions taken by the electricians' board.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 319-C:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The board shall retain the record of an action taken in a disciplinary proceeding under this section for 7 years from the date of final decision of the action and shall not consider such disciplinary action more than 7 years after the final decision in any future disciplinary proceeding concerning the same licensee.

The signatures below attest to the authenticity of this Report on SB 68, an act relative to records of disciplinary actions taken by the electricians' board.

*Conferees on the Part
of the Senate*

Sen. Gallus, Dist. 1
 Sen. Luther, Dist. 12
 Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Hawkins, Hills. 18
 Rep. Sytek, Rock. 4
 Rep. Hansen, Hills. 6
 Rep. Bowers, Sull. 3

2011-2395CofC**AMENDED ANALYSIS**

This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be considered after 7 years.

(The Chair recognized Sen. Gallus.)

SENATOR GALLUS: Thank you very much, Mister President. Basically, the Senate position on this particular bill had been that the disciplinary actions be removed from the record after five years; the House position: They had changed it to ten. In committee of conference, we negotiated it down to seven, and I would urge you adopt the committee report. Thank you very much.

The question is on the adoption of the Committee of Conference Report. Adopted.

June 15, 2011

2011-2464-CofC

05/03

Committee of Conference Report on SB 70-FN, an act relative to remedies in landlord-tenant actions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Repeal. RSA 540:1-b, IV, relative to the civil penalty for landlord agents, is repealed.

The signatures below attest to the authenticity of this Report on SB 70-FN, an act relative to remedies in landlord-tenant actions.

*Conferees on the Part
of the Senate*

Sen. Prescott, Dist. 23
 Sen. DeBlois, Dist. 18
 Sen. D'Allesandro, Dist. 20

*Conferees on the Part
of the House*

Rep. Giuda, Merr. 7
 Rep. Sorg, Graf. 3
 Rep. McClarren, Hills. 21
 Rep. Rowe, Hills. 6

2011-2464-CofC**AMENDED ANALYSIS**

This bill:

I. Reduces the number of days a landlord is required to store a tenant's abandoned property.

II. Limits the damages available for violations of the storage requirement.

III. Repeals the \$1,000 civil penalty imposed on landlords of restricted property who do not provide the town clerk with the name and address of an agent authorized to accept service on their behalf.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. As we recall, Senate Bill 70 was a landlord-tenant action bill. The House position agreed with the Senate on the body of the bill but added an amendment, and we had objections to the amendment. And, we negotiated one part of that amendment, and I ask you to vote to agree with the committee of conference. Thank you very much, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise in opposition to the committee of conference compromise. I did think the compromise on the underlying bill was appropriate, but I think we can acknowledge that if you eliminate a fine for a requirement then it's fairly toothless and why not just do away with the requirement? Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. Houde is in opposition to the adoption of the Committee of Conference Report on SB 70-FN.

**June 14, 2011
2011-2390-CofC
10/04**

Committee of Conference Report on SB 75-FN, an act relative to clarification of part-time service in the state retirement system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Retirement System; Part Time; Group I and Group II. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a retired member of the New Hampshire retirement system, but excepting per diem court security officers and court bailiffs, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I, part-time employment of the retired member shall not exceed 32 hours in a normal calendar week; except for group I employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

(b) For group II, part-time employment of the retired member shall not exceed 32 hours in a normal calendar week; except for group II employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

3 Contingency. If SB 3-FN-A-LOCAL of the 2011 regular legislative session becomes law, then section 20 of SB 3-FN-A-LOCAL shall not take effect.

4 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 75-FN, an act relative to clarification of part-time service in the state retirement system.

*Conferees on the Part
of the Senate*

Sen. Groen, Dist. 6
Sen. Bradley, Dist. 3
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Hawkins, Hills. 18
Rep. Cohn, Merr. 6
Rep. Winter, Merr. 3
Rep. Shuler, Rock. 11

2011-2390-CofC

AMENDED ANALYSIS

This bill defines part time employment for purposes of the New Hampshire retirement system. The bill also modifies the definition of part-time employment under the retirement system inserted by SB 3-FN-A-LOCAL of the 2011 legislative session.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. The committee of conference on SB 75 amended this bill to extend the same part-time provisions to Group I employees that were established for Group II employees in SB 3, as passed. Specifically, it gives Group I members the opportunity to work either 32 hours per week or 1,300 hours per year in part-time status. I urge the adoption of the committee of conference report on SB 75. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 15, 2011
2011-2487-CofC
04/05**

Committee of Conference Report on SB 88, an act relative to physical force in defense of a person and relative to brandishing of a firearm or other means of self-defense.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Physical Force in Defense of Person. Amend RSA 627:4, III to read as follows:

III. A person is not justified in using deadly force on another to defend himself *or herself* or a third person from deadly force by the other if he *or she* knows that he *or she* and the third person can, with complete safety:

(a) Retreat from the encounter, except that he *or she* is not required to retreat if he *or she* is within his *or her* dwelling [or], its curtilage, *or anywhere he or she has a right to be*, and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right there; or

(c) Comply with a demand that he *or she* abstain from performing an act which he *or she* is not obliged to perform; nor is the use of deadly

force justifiable when, with the purpose of causing death or serious bodily harm, the [actor] *person* has provoked the use of force against himself *or herself* in the same encounter[-]; *or*

(d) If he *or she* is a law enforcement officer or a private person assisting [him] *the officer* at [his] *the officer's* direction and was acting pursuant to RSA 627:5, [he] *the person* need not retreat.

2 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. ~~[The person shall be given a minimum mandatory sentence of not less than 3 years' imprisonment for a first offense and a minimum mandatory sentence of not less than 6 years' imprisonment if such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.]~~

3 New Section; Justification; Civil Immunity. Amend RSA 627 by inserting after section 1 the following new section:

627:1-a Civil Immunity. A person who uses force in self-protection or in the protection of other persons pursuant to RSA 627:4, in the protection of premises and property pursuant to RSA 627:7 and 627:8, in law enforcement pursuant to RSA 627:5, or in the care or welfare of a minor pursuant to RSA 627:6, is justified in using such force and shall be immune from civil liability for personal injuries sustained by a perpetrator which were caused by the acts or omissions of the person as a result of the use of force. In a civil action initiated by or on behalf of a perpetrator against the person, the court shall award the person reasonable attorney's fees, and costs, including but not limited to, expert witness fees, court costs, and compensation for loss of income.

4 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. *The act of producing or displaying a weapon shall constitute non-deadly force.*

5 Effective Date. This act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on SB 88, an act relative to physical force in defense of a person and relative to brandishing of a firearm or other means of self-defense.

*Conferees on the Part
of the Senate*

Sen. Boutin, Dist. 16
Sen. Groen, Dist. 6
Sen. White, Dist. 9

*Conferees on the Part
of the House*

Rep. Kreis, Merr. 6
Rep. Bettencourt, Rock. 4
Rep. Warden, Hills. 7
Rep. Shurtleff, Merr. 10

2011-2487-CofC

AMENDED ANALYSIS

This bill:

I. Allows a person who is anywhere he or she has a right to be to use deadly force to protect oneself or a third person.

II. Inserts a civil immunity provision for the use of force against a perpetrator in certain circumstances.

III. Deletes the minimum mandatory sentencing requirement for felony convictions which include the possession, use, or attempted use of a firearm.

IV. Amends the definition of “non-deadly force” to include the act of producing or displaying a weapon.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I'll say this, Mister President: Outside of the committee of conference on the budget I think this was probably one of the most arduous ones. It has since become known as the “bang-bang” committee of conference report.

Senate Bill 88 is a compilation of several pieces of legislation filed this year, both on the House and the Senate side, having to do with self defense. And, Senate Bill 88, adopted by the House and Senate, represents a compromise on three of four issues that were of significant interest to many of us. The three areas of compromise are as follows: One was the “stand your ground” provision, which means that you have the legal right to defend yourself wherever you legally have the right to be. So, that is an extension of the Castle Doctrine. Secondly, we expanded the civil immunity protection: In the event that you are charged under the Chapter 627 provisions, you will have the appropriate civil immunity. And, thirdly, we adopted the definition of “non-deadly force”, which is the issue that was involved in the Ward Bird case, so that if you are warning someone off with any sort of weapon to let them know that you feel threatened, that you will no longer be tossed in jail for that. The fourth piece, which we were not able to agree on, and largely because the various groups in the state that have a stake in the subject of self-defense could not reach agreement, and so neither could the conference committee, and that had to do with constitutional carry. I would remind my Senate colleagues that we have a bill that was Re-referred – House Bill 330 – that addresses constitutional carry. And so, if there are any of us in this chamber who feel compelled to take on that task, you are more than welcome to do that. It is there and available for you; maybe the Senate Judiciary Chairman would be interested in that. So, Mister Chairman, at the end of the day, this is a good compromise, and it promotes the Second Amendment rights of our citizens in the State of New Hampshire. Thank you.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise to reiterate my opposition to Senate Bill 88 and to note, again, the concerns that were expressed at the hearing from the Attorney General's Office and the Association of Chiefs of Police. I do want to take a moment to recognize and appreciate the work of Senator Boutin, not only to make this bill better, but also to reduce the number of bills that we'll have Re-referred in our committee. Thank you, Senator Boutin.

For example, one of the things that I think is better about this version of the bill is it retains the initial aggressor doctrine limitation and provides discretion in sentencing. However, I still fear that it opens the door to use of deadly force in self defense in public with potential increased risk to innocent bystanders. Frankly, I still don't know if there are any limitations as to where one has a right to be: schools, courtrooms; we've had this conversation; I'll just raise it again. There's not clarity in the bill as it's coming out. Frankly, I still believe at the end of the day this is a solution in search of a problem. Our self defense

statues as they exist today work just fine by providing someone only has to retreat when it's safe for them to do so. If there is any question whatsoever, there is no need to retreat. So, I think it's a pretty drastic shift in doctrine and one that I'll oppose and ask for a roll call on, Mister President. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I simply rise to oppose this bill, as well. It was described as a reasonable compromise. I don't believe we have the right to reasonably compromise with public safety. It's my understanding the police chiefs of this state oppose this bill. This bill raises the question of: where do you have a right to be? Do you have a right to be in a courtroom and hold a gun? Probably, because this says: any place you have a right to be, you may, in fact, defend yourself if you feel threatened. What about in schoolrooms? Daycare centers? What about in this building? It's not a reasonable compromise when the public safety is at risk. This puts the public safety at risk. It's wrong, and we ought to all be voting against it. Thank you.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Sen. Houde, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted.

June 10, 2011

2011-2310-CofC

01/09

Committee of Conference Report on SB 89, an act establishing a study committee on the procurement of health insurance by employee leasing companies.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Committee Established. There is established a committee to study the procurement of health insurance by employee leasing companies.

5 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Duties. The committee shall study the procurement of health insurance by employee leasing companies licensed under RSA 277-B, includ-

ing whether policies sponsored by employee leasing companies should be exempt from the rating requirements and other standards for small employer coverage set forth in RSA 420-G.

7 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

8 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

9 Insurance Bulletin Suspended. The department of insurance bulletin INS NO. 10-008-AB is hereby suspended until December 31, 2013.

10 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 89, an act establishing a study committee on the procurement of health insurance by employee leasing companies.

*Conferees on the Part
of the Senate*

Sen. Bragdon, Dist. 11

Sen. Carson, Dist. 14

Sen. Houde, Dist. 5

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 7

Rep. Flanders, Belk. 4

Rep. Nevins, Rock. 15

Rep. Taylor, Graf. 2

2011-2310-CofC

AMENDED ANALYSIS

This bill clarifies the procedures for employee benefits and for employee leasing companies. This bill reestablishes the committee to study the procurement of health insurance by employee leasing companies. The bill also repeals insurance bulletin INS NO. 10-008-AB.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. The committee of conference agreed with the first three provisions of the bill, and we created a study committee on the procurement of health insurance by employee leasing companies. We also suspended the Insurance Department's bulletin relating to health insurance until December 31, 2013. We ask the Senate to concur. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. White asserts Rule 2-15 on SB 89.

June 7, 2011

2011-2293-CofC

06/09

Committee of Conference Report on SB 91, an act relative to automatic fire suppression sprinklers.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA 674:51 by inserting after paragraph IV the following new paragraph:

V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park as defined in RSA 205-A:1, II.

The signatures below attest to the authenticity of this Report on SB 91, an act relative to automatic fire suppression sprinklers.

*Conferees on the Part
of the Senate*

Sen. Barnes, Dist. 17
Sen. Boutin, Dist. 16
Sen. Forrester, Dist. 2

*Conferees on the Part
of the House*

Rep. Sterling, Ches. 7
Rep. Ferrante, Rock. 5
Rep. B. Patten, Carr. 4
Rep. Burt, Hills. 7

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. The House agreed with the amendment that the Senate brought forth. Please vote for this piece of legislation; it is terrific.

(The Chair recognized Sen. Houde for a question of Sen. Barnes.)

SENATOR HOUDE: Thank you, Senator Barnes. I'm just curious: House Bill 109 – is it the same substance which was vetoed by the Governor – is 91 the same substance as that, or is it...

SENATOR BARNES: It is except...It's pretty close to the same, Senator. The Senate amendment that was added to it isn't on 109, and that will be taken up – 109, the veto override, will be taken up. And, I have a funny feeling, if gambling were legal in this state, which it isn't yet, I would bet that we'll probably see it over here this afternoon.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Barnes.)

SENATOR HOUDE: I'm just wondering what the difference is.

SENATOR BARNES: The difference is the Senate amendment.

SENATOR HOUDE: Okay. Thank you, Senator Barnes.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. Just in an attempt to address Senator Houde's question: House Bill 109 and Senate Bill 91 are both sprinkler legislation. House Bill 109 is directed specifically at planning boards adopting requirements for sprinklers; Senate Bill 91 is more directed at the community, such as adoption at town meeting or through the board of selectmen or otherwise. So, that's the distinction.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in opposition to the adoption of the committee of conference report on SB 91. The bill eliminates the ability of municipalities to set regulations on sprinkler regulations based on what makes sense for their own towns. I have faith that my town officials can make these decisions in a way that recognizes and addresses not only the safety issues involved, but also those of cost to homeowners, including the critical goal of providing workforce housing to our citizens. So, I urge members to vote against the adoption of the report on SB 91.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I, too, rise to oppose the adoption of the report on Senate Bill 91. As I was walking in to session, I was advised, in fact, that Concord's sprinkler requirements will be retained and will be allowed to exist with the passage of this. And, it was indicated that that's because Concord already put theirs in place. But, the future towns or cities that find a need to put this in place because of their own fire suppression requirements will not be able to do that. There are times when maybe grandfathering a law makes sense, but why, if you believe in local control, and you believe that perhaps you want to keep down the cost to communities in terms of property tax increases, why don't we trust local government enough to make those decisions? Concord put in some fire sprinkler regulation in scattered sites areas, where – we are a 260-square-mile city, and there are places where people want to develop that we cannot guarantee our fire department will get to in time. So, in order to allow development in areas that are not covered by fire hydrants, etcetera, there are times when the city planning has agreed to allow it if they agree to put in sprinklers. That makes huge sense. I worked ten years on affordable housing and very much believe in continuing affordable housing. But, there has to be some place where there's a better compromise than just telling all future communities that they cannot put this kind of sensible legislation in and that if they want to allow development in a rural area they have to find ways to cover through their existing property tax-paid fire suppression system. It makes no sense to pass it the way it is. There are compromises to be made in this problem, but Senate Bill 91 is not the one. Thanks.

(The Chair recognized Sen. Barnes for a question of Sen. Larsen.)

SENATOR BARNES: Senator Larsen, I hear what you're saying; the municipal association said basically the same thing you're saying. But don't you think, as a homeowner, you have the right to make some decisions, or do you need the City of Concord and the State of New Hampshire to come along and tell you you can only have three-and-a-half bedrooms instead of two-and-a-half?

SENATOR LARSEN: No, that's why I say that there needs to be a better compromise, that in fact, if I am a homeowner and I want to build ten miles outside my city limits where there are fire hydrants and I want to join a community of people who are clustering out there, I should not be able to force the community to cover my fire suppression in an area that's so remote that it costs all taxpayers for my ability to build out there. So, for my own personal safety, if I want to build out there, I ought to be willing to foot the bill. If I'm going to stay in an area that's reachable by normal fire suppression systems, then, you know, it's the community that helps to pay for it. But, if personal choices also are those that put someone out and you choose to live out in a rural area, you choose to live remotely, then you have to pay for some of your own costs, then.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Larsen.)

SENATOR BARNES: Would you believe that I'm not going to change your mind. However, I still think it's up to the homeowner to make those decisions, and I think that's the way it should be. And, the cost of housing the way it is today, I think that's something that plays into it, also. The cost of fire suppression – and, I don't have my fire suppression expert here who's a builder; I don't know where he is. If he was here, I'm sure he could answer some of those questions for you about the cost. I can't tell you the cost. I heard him during the committee, and some of the costs are pretty –

PRESIDENT BRAGDON: Senator Barnes.

SENATOR BARNES: That's a "would-you-believe".

PRESIDENT BRAGDON: Okay.

SENATOR BARNES: I'm running out of "would-you-believes"; it's almost over.

PRESIDENT BRAGDON: Thank you.

SENATOR BARNES: Thank you, Senator Larsen. I understand where you're coming from; I've heard the discussion. And, your good Senator, Senator Merrill, made these same arguments during the committee hearing, and she did a very find job of bringing the case forward. Thank you.

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. Prescott asserts Rule 2-15 on SB 91.

Sen. Odell is in opposition to the adoption of the Committee of Conference Report on SB 91.

June 7, 2011

2011-2292-CofC

09/04

Committee of Conference Report on SB 92, an act establishing an economic strategic commission to review the relationship between business and government.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 359-K:3, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Three commissioners of New Hampshire departments or their designees, one of whom shall be appointed by the governor, one of whom shall be appointed by the senate president, and one of whom shall be appointed by the speaker of the house of representatives.

The signatures below attest to the authenticity of this Report on SB 92, an act establishing an economic strategic commission to review the relationship between business and government.

*Conferees on the Part
of the Senate*

Sen. Carson, Dist. 14
Sen. Sanborn, Dist. 7
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. C. McGuire, Merr. 8
Rep. P. Schmidt, Straf. 4
Rep. Proulx, Hills. 15
Rep. Hansen, Hills. 6

SENATOR CARSON: Thank you, Mister President. In this committee of conference, the Senate concurred with the House's amendment that added three commissioners or their designees and increased the quorum requirement. We ask the Senate to concur. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 14, 2011
2011-2414-CofC
01/09**

Committee of Conference Report on SB 123, an act relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

The signatures below attest to the authenticity of this Report on SB 123, an act relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

*Conferees on the Part
of the Senate*

Sen. Houde, Dist. 5

Sen. Groen, Dist. 6

Sen. Luther, Dist. 12

*Conferees on the Part
of the House*

Rep. Swinford, Belk. 5

Rep. Kreis, Merr. 6

Rep. Gagne, Hills. 13

Rep. Welch, Rock. 8

SENATOR HOUDE: Thank you, Mister President. I do indeed ask for your concurrence. It's the Senate position, and that's where we ended up.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 14, 2011
2011-2403-CofC
01/09**

Committee of Conference Report on SB 148-FN, an act relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect July 1, 2011.

The signatures below attest to the authenticity of this Report on SB 148-FN, an act relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

*Conferees on the Part
of the Senate*

Sen. Prescott, Dist. 23
 Sen. DeBlois, Dist. 18
 Sen. Bradley, Dist. 3

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 7
 Rep. Flanders, Belk. 4
 Rep. Manuse, Rock. 5
 Rep. Leonard, Straf. 1

2011-2403-CofC**AMENDED ANALYSIS**

This bill provides that a resident of New Hampshire shall not be required to obtain, or be assessed a fee or fine for failure to obtain, health insurance coverage.

SENATOR PRESCOTT: Thank you, Mister President. This is an act relative to health insurance coverage under the Patient Protection and Affordable Care Act. The Senate position was that New Hampshire should join the State of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida, et al v. United States Department of Health and Human Services. This is the infamous "Should New Hampshire join the lawsuit or shall New Hampshire join the lawsuit?" Another part of the Senate version was that a resident of New Hampshire shall not be required to obtain or be assessed a fee or fine for failure to obtain health insurance coverage. The House amended the bill, so we asked for a committee of conference. They wanted the grant money – the infamous \$666,000 received by the New Hampshire Insurance Department for the implementation of the Patient Protection and Affordable Care Act – to be returned to the federal government. There were other conversations, and Senator Houde was there in the committee of conference, and we were able to have that removed from the bill as compromised by the committee of conference, as well as the requirement of the Attorney General to either join or not join the lawsuit. But, we were able to retain this portion that provides that a resident of New Hampshire shall not be required to obtain or be assessed a fee or fine for failure to obtain health insurance coverage. Thank you very much, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 13, 2011
 2011-2374-CofC
 10/04**

Committee of Conference Report on SB 161-FN, an act relative to procedures for adoption of agency rules under the administrative procedures act.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following.

5 Filing Proposed Rule Text; Establishing and Revising Text of Rules.
 RSA 541-A:10 is repealed and reenacted to read as follows:

541-A:10 Filing of Proposed Rule Text; Establishing and Revising Text.
 I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. The first time a rule is proposed under RSA 541-A:3

to implement newly-enacted state authority, the agency shall send an electronic copy of the notice and proposed rule to the chair of each house and senate standing policy committee, as defined in RSA 541-A:1, XVI, for distribution to the members of such standing policy committees. If the newly-enacted state authority was not referred originally to a standing policy committee, the agency shall send an electronic copy of the notice and proposed rule to the speaker of the house and senate president for appropriate distribution. If the agency does not have the technology necessary to send an electronic copy, the agency shall send a paper copy. The members of the standing policy committees receiving proposed rules may review the proposed rules to determine whether the proposed rule is consistent with the intent of the authorizing legislation. If a standing policy committee concludes that the proposed rule is not consistent with the intent of the authorizing legislation, the standing policy committee shall send written notice to the agency, with a copy to the director of legislative services, identifying the provision or provisions the committee believes to be inconsistent with legislative intent. Such written notice may be sent to the agency via e-mail and shall be delivered so as to be received by the agency no later than the deadline for public comment specified in the rulemaking notice. If the agency does not receive notice from any standing policy committee by the end of the public comment period, the agency may proceed on the basis that the rule is consistent with the intent of the authorizing legislation. The text of the proposed rules as filed by the agency pursuant to RSA 541-A:3, III shall not be changed prior to the hearing held pursuant to RSA 541-A:11, I(a).

II. The agency shall not establish the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA 541-A:11, I(b). If the agency elects to solicit comment pursuant to RSA 541-A:11, I(c), the agency shall prepare a draft final proposal that is annotated to show how the rules as initially proposed are proposed to be changed. In response to comment received, the agency may revise the draft prior to filing the final proposal in accordance with RSA 541-A:12.

The signatures below attest to the authenticity of this Report on SB 161-FN, an act relative to procedures for adoption of agency rules under the administrative procedures act.

*Conferees on the Part
of the Senate*

Sen. Merrill, Dist. 21
Sen. White, Dist. 9
Sen. Luther, Dist. 12

*Conferees on the Part
of the House*

Rep. C. McGuire, Merr. 8
Rep. Whitehead, Hills. 26
Rep. Sytek, Rock. 4
Rep. Pilotte, Hills. 16

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. The purpose of the committee of conference on SB 161 was to resolve a very minor wording conflict between SB 161 and a House bill that had passed earlier in the session. We all agree that this was a good resolution, and I urge your support. Thank you.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 15, 2011
2011-2471-CofC
10/05**

Committee of Conference Report on SB 166, an act relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The legislature finds that, through no fault of their own, certain persons entitled to benefits as surviving spouses and dependents of group II members killed in the line of duty have been provided with incorrect information concerning the benefits to which they are entitled over an extended period of time. Such persons have relied in good faith upon this incorrect information and have ordered their lives accordingly. In order to avoid the unfairness that would occur if these errors were retrospectively corrected, the state of New Hampshire will provide such persons in this position with the benefits that they were promised.

2 Additional Medical Benefits; Surviving Spouse and Dependents; Group II Member Killed in Line of Duty. On the effective date of this act, if the premium payment under RSA 100-A:52 and RSA 21-I:30-a for the surviving spouse and dependent children of a police officer or firefighter killed in the line of duty, as determined under RSA 21-I:29-a, is not for the full amount of the premium for eligible medical and surgical benefits, and the local political subdivision has elected not to pay the excess cost of the premium for such medical and surgical benefits, the state shall pay the difference between the amount paid by the local political subdivision and the amount under RSA 21-I:30-a, I, so that the benefit is not reduced by the application of any benefit limitation or premium contribution for such surviving spouses and dependent children.

3 Application. Nothing in this act shall authorize or require the state to pay for any premium for eligible medical and surgical benefits that was being paid for by the local political subdivision on January 1, 2011.

4 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 166, an act relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

*Conferees on the Part
of the Senate*

Sen. Carson, Dist. 14
Sen. Luther, Dist. 12
Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. C. McGuire, Merr. 8
Rep. Hawkins, Hills. 18
Rep. Winter, Merr. 3
Rep. D. Sullivan, Hills. 8

2011-2471-CofC

AMENDED ANALYSIS

This bill provides for payment of the premium for medical benefits for surviving spouses and dependent children of a police officer or firefighter killed in the line of duty.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. First I'd like to start out by thanking our Senate attorney, Mr. Lehmann, for all his help in crafting language on this bill. We met in committee of conference, we agreed upon the basic premises of the bill, but the House asked that we

include a provision that basically stated that this was a one-time fix. There were nine widows currently in the state who were caught in kind of a difficult situation where promises were made that we would fully fund their medical subsidy, and we agreed to that provision. And, secondly, they asked that we also put in a provision that stated that if the difference between the cost of the medical subsidy was being picked up by the municipality that they could not, because of this legislation, stop making that payment. The committee of conference agreed to those provisions, and we would ask that you support them. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

**June 15, 2011
2011-2461-CofC
01/09**

Committee of Conference Report on SB 196, an act relative to the re-nomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 189:14-a, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) *School boards shall have a teacher performance evaluation policy.*

(c) Any such teacher who has taught for ~~[3 consecutive years or more in the same school district]~~ *5 consecutive years or more in the teacher's current school district, or who taught for 3 consecutive years or more in the teacher's current school district before July 1, 2011,* and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

Amend the bill by replacing sections 2 and 3 with the following:

2 Review by State Board. Amend RSA 189:14-b, I to read as follows:

I. A teacher aggrieved by such decision may either petition the state board of education for review thereof or request arbitration under the

terms of a collective bargaining agreement ***pursuant to RSA 273-A:4***, if applicable, but may not do both. Such petition must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such petition, the state board shall notify the school board of the petition for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within 15 days after the petition for review is filed, and the decision of the state board shall be final and binding upon both parties. ***A petition for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.***

3 Grievance Procedures. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. ***No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement. However, after the expiration date of that collective bargaining agreement, nothing in this section shall be deemed to prohibit the school district public employer and the exclusive bargaining representative from entering into a subsequent agreement that may include arbitration or any other binding resolution for teacher nonrenewals pursuant to RSA 189:14-a and RSA 189:14-b. If such grievance procedures become incorporated into a subsequent collective bargaining agreement, those procedures shall become null and void at the expiration of that agreement. "Grievance resulting from failure of a teacher to be renewed" means a grievance that challenges nonrenewal, or that seeks reversal or reinstatement from nonrenewal as a remedy.***

The signatures below attest to the authenticity of this Report on SB 196, an act relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

*Conferees on the Part
of the Senate*

Sen. Stiles, Dist. 24
Sen. Forsythe, Dist. 4
Sen. Bragdon, Dist. 11

*Conferees on the Part
of the House*

Rep. Balboni, Hills. 21
Rep. Boehm, Hills. 27
Rep. Hill, Merr. 6
Rep. Gile, Merr. 10

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. The Senate agreed to the House amended version with two additions: We added one provision that would require school boards to have a teacher performance evaluation policy. And, for those collective bargaining agreements that currently have arbitration as the vehicles to appeal the decision, that would also be allowable, but the ability to seek arbitration must be renegotiated in each and every new contract.

(The Chair recognized Sen. Kelly for a question of Sen. Stiles.)

SENATOR KELLY: Thank you. Senator Stiles, is it your intent, or do you think it's the intent of this compromise, in section 1 of the bill, which,

as I know, adds language requiring a school district to have a teacher performance evaluation policy for the school district and the local union. Is it the intent to negotiate language into that policy requiring prior notification to non-performing teachers and to their non-performance, which might lead to their non-renewal?

SENATOR STILES: The intent is to allow the local district to come up with their policy. The good work that you've been doing on the task force for teacher evaluations – and, we're hoping that that will also be included in that language – and however they determine the amount of days that they would be notified would be decided at the local level.

SENATOR KELLY: So, from what I understand then, is that the policy would not require prior notification.

SENATOR STILES: The policy would be up to the local decision-makers to identify the language in that policy, but hopefully would reflect the good work that your task force has been doing.

SENATOR KELLY: Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I agree with one portion of this bill, and that says that school boards should have a teacher performance evaluation policy; I think that's consistent with good practice. But, if you can't figure out in three years whether or not a teacher is any good or not, then we've got a big problem. And, if you have to wait five to find out if a person is good or not, that person has invested a significant amount of time in teaching. And, we're not a tenure state; we're a non-renewal state. And, having been a teacher for about 50 years and having been on my local school board for ten years, I can tell you if we can't make these evaluations after the three-year period, then we've got some very serious problems. So, I think the five-year situation is completely just – it's not worthy of our discussion. Thank you.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, Boutin, D'Allesandro, Merrill.

Yeas: 18 - Nays: 6

Adopted.

Recess. Out of recess.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

June 22, 2011
2011-2520-CofC
05/10

Committee of Conference Report on SB 33-FN, an act relative to retired state employee contributions for medical benefits costs.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State Employee Contributions to Medical and Surgical Benefits. Amend RSA 21-I:30 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of administrative services shall invoice and collect from retired state employees under the age of 65 years receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, the premium contribution amounts of 12.5 percent of the total monthly premium for each such retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants. The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

2 New Hampshire Retirement System; Medical and Surgical Benefit Administration. RSA 100-A:54, III is repealed and reenacted to read as follows:

III. The retirement system shall deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, the premium contribution amounts of 12.5 percent of the total monthly premium for each such retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants. The department of administrative services shall provide information as to the total monthly premium cost for each participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-

A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits as provided in RSA 21-I:30, VIII.

3 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

2011-2520-CofC

The signatures below attest to the authenticity of this Report on SB 33-FN, an act relative to retired state employee contributions for medical benefits costs.

Conferees on the Part of the Senate

Sen. Carson, Dist. 14
Sen. Groen, Dist. 6
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. C. McGuire, Merr. 8
Rep. Pilotte, Hills. 16
Rep. Winter, Merr. 3
Rep. Bowers, Sull. 3

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. The committee of conference met on Senate Bill 33 and we agreed with the House amendment that added a reenrollment clause for retirees whose benefits were terminated for nonpayment within six months of the termination date upon payment of any outstanding contribution or any other amount. We also just recently passed an amendment that brought the financial aspects of the bill in line with what we just passed in House Bill 1 and House Bill 2. And we ask the Senate concur. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Mister President, can you tell us what happened with 1 and 2 over there at the House?

PRESIDENT BRAGDON: House Bill 1 and 2 both passed; I do not know the exact tally. House Bill 1 was 275 to 1-0-something; I don't know about HB 2. They both passed. HB 1 passed 274-108; HB 2 passed 259-119.

SENATOR BARNES: Thank you.

Recess. Out of recess.

PRESIDENT BRAGDON: The first thing we need to take up is what are called Enrolled Bill Amendments, which we never usually deal with on the Senate floor; they're usually dealt with in recess. These are technical, spelling, grammatical changes to a bill. We've passed HB 1 and HB 2; the Governor has asked us to get them to him as quickly as possible, so we're going to deal with the Enrolled Bills process on the floor rather than in recess.

June 22, 2011
2011-2522-EBA
08/09

Enrolled Bill Amendment to HB 1-A

The Committee on Enrolled Bills to which was referred HB 1-A

AN ACT making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1-A

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1-A

Amend paragraph II of section 14 of the bill by replacing line 2 with the following:

in class 060, benefits, contained in section 1 of this act by \$87,775 for the fiscal year ending June 30,

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Enrolled bills are strictly technical changes to a bill after it's been heard and written and people pick up a small change. Just a small change: This "bill" should be "act" on HB 1. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Prescott.)

SENATOR BARNES: You are very pleased with that? What you have just said?

SENATOR PRESCOTT: I am; I put my signature to it as an Enrolled Bills – I think I'm the Chairman of the Committee of Enrolled Bills.

SENATOR BARNES: Well, that is good enough for me.

SENATOR PRESCOTT: Thank you very much.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 22, 2011
2011-2521-EBA
01/09

Enrolled Bill Amendment to HB 2-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred HB 2-FN-A-LOCAL

AN ACT relative to state fees, funds, revenues, and expenditures.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 2-FN-A-LOCAL

This enrolled bill amendment makes grammatical and technical corrections and inserts inadvertently omitted text of the current law.

Enrolled Bill Amendment to HB 2-FN-A-LOCAL

Amend RSA 135-C:2, II-a as inserted by section 15 of the bill by replacing lines 2 and 3 with the following:

nurse licensed by the board of nursing who is ***certified as*** a psychiatric mental health ~~[specialist and who has at least 2 years' experience as an advanced practice registered nurse working with individuals who have mental illness, as defined in paragraph X of this section, and who meets any other criteria specified in rules adopted by the department]~~ ***nurse practitioner by a board-recognized national certifying body.***

Amend RSA 135-C:5, II as inserted by section 16 of the bill by replacing line 4 with the following:

monitoring may include review of the individual records of ~~[state-funded clients]~~ ***persons with severe mental***

Amend RSA 187-A:20-b, I as inserted by section 131 of the bill by replacing line 2 with the following:

associate, or bachelor degree at any public postsecondary institution within the state that is

Amend RSA 187-A:20-b, II as inserted by section 131 of the bill by replacing line 1 with the following:

II. In this section, an eligible individual is a person who is less than 23 years of age and

Amend section 135 of the bill by replacing line 1 with the following:

135 The New England Higher Education Compact; Funding. Amend RSA 200-A:5

Amend section 136 of the bill by replacing line 1 with the following:

136 The New England Higher Education Compact; Enforcement. Amend RSA 200-A:8

Amend RSA 200-A:9 as inserted by section 136 of the bill by replacing line 9 with the following:

education or internship terminates. Within a period equal to twice the number of school years of his ***or her***

Amend section 147 of the bill by replacing line 1 with the following:

147 Higher Education Corporations; Continuing Review. Amend RSA 292:8-ff, III to read

Amend RSA 292:8-ff as inserted by section 147 of the bill by replacing line 2 with the following:

of any institution which no longer meets the standards established by rule under ~~[RSA 188-D:8-a]~~

Amend subparagraph I(b) of section 149 of the bill by replacing line 1 with the following:

(b) Scholarships awarded under New England higher education compact

Amend subparagraph II(a) of section 149 of the bill by replacing line 2 with the following:

education pursuant to RSA 292:8-b through RSA 292:8-kk.

Amend RSA 188-G:1, II as inserted by section 150 of the bill by replacing line 1 with the following:

II. In this chapter, "private postsecondary career school" shall not include:

Amend RSA 100-A:1, XVIII as inserted by section 163 of the bill by replacing line 6 with the following:

and special duty paid to the member over the member's last 7 years or over all of the years

Amend section 193 of the bill by replacing line 1 with the following:
193 New Section; Rest Areas and Welcome Centers. Amend RSA 12-A by inserting after section 43-a the

Amend section 197 of the bill by replacing line 1 with the following:
197 Unclassified Salaries. Amend RSA 94:1-a, I(b) by deleting:

Amend section 207 of the bill by replacing line 2 with the following:
the fiscal biennium ending June 30, 2011 shall not be deposited in the revenue stabilization reserve account

Amend section 300 of the bill by replacing line 1 with the following:
300 New Subparagraph; Duties; Office of Reimbursements. Amend RSA 126-A:34, I by inserting

Amend section 351 of the bill by replacing line 2 with the following:
facilities of the department of administrative services, the administrative office of the courts shall

Amend section 358 of the bill by replacing lines 13 and 14 with the following:

services shall provide a report of savings to the fiscal committee of the general court and the oversight committee on health and human services.

Amend paragraph II of section 364 of the bill by replacing line 2 with the following:

to paragraph I, with the approval of the fiscal committee of the general court and the governor and

Amend subparagraph I(b) of section 368 of the bill by replacing it with the following:

(b) The returns shall be filed on or before June 27, 2011; and

Amend section 381 of the bill by replacing line 3 with the following:
president, the fiscal committee of the general court, the secretary of state, and the director of the

Amend RSA 483-B:9, V(b)(2) as inserted by section 399 of the bill by replacing line 1 with the following:

(2)(A) Within the natural woodland buffer of a given lot the vegetation, except lawn,

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I call the attention to the Senate – my Senate colleagues – that what's in my hand is HB 2, and highlighted are the Enrolled Bill Amendments that were done. And, what's passed out to you is just the language of the changes in words. However, you can fit them all into the budget with all of these tabs and you can understand that my perusal of HB 2 did need minor technical changes – nothing to do with policy. I recommend that the full Senate concur with Enrolled Bills Amendment. Thank you very much, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Could I ask for a few more minutes to look through all the pages?

PRESIDENT BRAGDON: Yes, a few more minutes.

I recognize Senator Prescott to walk us through the various changes in Enrolled Bill Amendment 2521, prepared by the Office of Legislative Services.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: I believe when the Senate President says I'm going to walk through this, we're actually going to crawl through this. So, I would appreciate patience upon the rest of the body.

What I have to do is I have to go through – because this bill was such a mammoth bill – HB 2 – I had to go through and have them all highlighted in the bill, and then go back through the amendment and see if I can decipher if everything was done properly. I would think that that would be a long and arduous process for all of us to do this, especially me just standing up on the Senate floor and talking about it and then saying: “Um, uh,” and then “Oh, yes! That's right” and go over all of my thoughts for these comments that are on the Enrolled Bill Amendment. This did take me quite a long time to look through this bill. I would rather have it that if anybody has a specific question that we could talk about that specific question. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro for a question of Sen. Prescott.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Well, what does this mean? I mean: “Omitted text”, and I can't even read the second one, but I suppose that's – is that the same? “Omitted text”? What does “omitted text” mean? Is the text just withdrawn and replaced by nothing so that you read the sentence...It drops off where things are marked out and then you go to the next line and you say: “That's the end of it”? So, you take that piece and you throw it out? And, in the second situation, you just delete and read forward? Is that what it is? It just seems to me that it's difficult for us to decipher the writing that's on the side, and if we could just get the rationale, Senator, that would be super. I appreciate that. And, I realize it's cumbersome, and I appreciate it.

Recess. Out of recess.

PRESIDENT BRAGDON: Again, in terms of explanation, this consists of technical, grammatical changes to the bill that were caught in the enrollment process by the Office of Legislative Services. Usually this is done in recess, but since we're not in recess and the Governor wants HB 1 and 2 as soon as possible, we're doing it on the Senate floor.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 109, relative to residential fire sprinklers.

HB 133, relative to the minimum wage.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

Without objection, the Clerk shall read the title of the Veto Messages only.

Governor's Veto Message Regarding HB 109

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 109, an act relative to residential fire sprinklers.

HB 109 prohibits local planning boards from requiring the installation of a fire suppression sprinkler system in proposed one or two-family residences as a condition of approval for a local permits. It also lessens the ability of local communities to work cooperatively with developers

to move projects forward in cost-effective ways. Instead of allowing communities to work with developers to substitute sprinkler systems, communities will now have to revert to requiring what may be more costly options: fire ponds, cisterns, wider road widths, increasing the size of building lots and increasing the size of distance between buildings.

HB 109 will also prohibit municipalities from enforcing their current sprinkler ordinances. Today, communities from Salem to Hooksett to Boscawen to Lebanon have these ordinances, which have been approved by the local governing bodies.

I believe that the decision of whether or not to require fire sprinklers for new or renovated residential development should remain a local one. The State should not dictate a required course of action. It is obviously the local community that is impacted from new residential development both in terms of land use and in terms of bearing the costs of providing increased fire protection services. This legislation will remove local control over an important issue.

The State Fire Marshal and numerous local fire departments across the State also have concerns about the ability of local officials to continue to have fire sprinkler systems as a local option.

For these reasons, I am vetoing HB 109.

Respectfully submitted,
John H. Lynch
Governor

Date: June 15, 2011

(The Chair recognized Sen. Barnes.)

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Barnes for a parliamentary inquiry.)

SENATOR BARNES: If I want to override the Governor's veto, should I vote yes or should I vote no?

PRESIDENT BRAGDON: A "yes" vote overrides the veto and the bill becomes law; a "no" vote sustains the veto and the bill does not become law.

SENATOR BARNES: Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. And, I'll be brief, since I've already talked about sprinklers once today.

This bill would prohibit planning boards from requiring sprinklers for one- or two-unit developments, and I believe this goes too far. I do believe our towns need to be very cautious about the circumstances under which they make a requirement that in fact, as we know, can add to the cost of housing, and I think we're not interested in, certainly, in doing that: in making housing less affordable for our citizens.

However, I believe that there can be circumstances under which it does make sense for a planning board, in conjunction with a developer, to arrive at a decision whereby, yes, the sprinklers will be required, in conjunction with, or in working with, perhaps some request of the developer in terms of how they're going to proceed. And, I know, for example, in the Town of Durham, a project has recently been approved for a large student housing development that's made up of...they're being called "cottages". And, I believe that they're maybe a mix of one-living unit and two-living unit cottages. And, the Town and the developer were able to arrive at a package, a decision that incorporated sprinklers as a

requirement along with the request of the developer to have narrower roads, less pavement, I think a denser kind of a development – more of a community feel. And, that was the agreement that they arrived at. And, my understanding is that under this change, that would not be an option. And, I think that does go too far. So, we need to leave some flexibility to our town officials to arrive at the right decision for our own towns. So, I would support the Governor's veto of this bill. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Merrill.)

SENATOR LARSEN: Senator Merrill, with the Governor's veto, he wrote: "House Bill 109 will also prohibit municipalities from enforcing their current sprinkler ordinances." And, Concord has a current sprinkler ordinance, and it's mostly applied – it's only applied in our scattered sites that are far from fire coverage, and that's the reason they were allowed to develop out in those areas. My first question is: Does it prohibit current ordinances, in your understanding?

SENATOR MERRILL: If the Governor says it, I believe it. Yes, that's my understanding.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Merrill.)

SENATOR LARSEN: I think it makes it difficult for...Wouldn't you agree that it will make it difficult, in fact, if we want to encourage housing and allow flexibility for where people choose to live, that in fact we want to have the ability for scattered sites, so you want to have fire safety at the same time. Would you agree with that?

SENATOR MERRILL: I would. And, I believe you need the flexibility to look at each case.

SENATOR LARSEN: Yes. Thank you.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I want to just clarify this discussion. First of all is that there is nothing in House Bill 109 that precludes a developer and a community reaching an agreement if that's the desire of the developer. So, let's make that clear. Second of all, it is not quite accurate to say that this eliminates sprinkler ordinances that already exist, because the fact of the matter is, the bill as originally written said: "adopt or enforce", and the word "enforce" was taken out. So, there's a carve-out for those current municipalities that have a sprinkler ordinance in their subdivision regulation. So, I just want to make that clear to everybody so that they know what they're voting on, Mister President.

The question is, notwithstanding the Governor's Veto, shall HB 109 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 6

Veto overridden by necessary 2/3 vote.

Sen. Prescott asserts Rule 2-15 on HB 109.

Governor's Veto Message Regarding HB 133

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 8, 2011, I vetoed HB133, relative to the minimum wage.

This legislation repeals New Hampshire's state minimum wage law, effectively ceding state control and authority to the federal government.

This legislation would make New Hampshire one of only a handful of states that completely defer to the federal government and do not independently establish their own minimum wage laws. I do not support turning over complete authority to the federal government to determine what makes sense for our citizens or our businesses.

The minimum wage law ensures that our citizens receive at least a minimum level of compensation for their hard work. It also helps ensure a level playing field for business owners - the overwhelming majority of whom want to give their employees a decent day's wage for a day's hard work.

New Hampshire's current minimum wage is set at the federal level, and it is appropriate. But four years ago, we agreed that - after a decade of federal inaction - we needed to act to help families meet rising costs. This legislation removes the New Hampshire legislature from that debate, and gives authority to set the minimum wage solely to the federal government.

New Hampshire's current economic strategy is working. We have one of the lowest unemployment rates in the nation. Ten thousand more people are working now than at the same time last year. We have one of the fastest-growing economies in the nation. And we have one of the highest median incomes in the nation.

New Hampshire has had a minimum wage law since 1949, and neither our citizens nor our businesses have called for its repeal. There is no need to undermine our state's economic strategy or cede our state authority to the federal government. Therefore I am vetoing this legislation.

Respectfully submitted,
John H. Lynch
Governor

Date: June 8, 2011

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise to urge my colleagues to sustain and support the Governor's veto. I pulled out my floor remarks from this recently; they were fairly succinct, so I'll try to make that the case again.

New Hampshire's minimum wage is the same as the federal minimum wage right now. As my colleagues surely know, the federal minimum wage is a floor below which states may not fall. States are, however, able to raise it higher, which we did before the federal government did recently, which was the first time in approximately a decade. If HB 133 passes, New Hampshire wouldn't be able to do that.

As the Governor indicated in his veto message: "This legislation removes the New Hampshire Legislature from that debate and gives authority to set the minimum wage solely to the federal government."

We just had a discussion this morning about New Hampshire's economic status and low unemployment rate. I don't believe that there's been an outcry from either citizens or businesses for a repeal of the minimum wage, and therefore I don't believe that there's any reason to undermine the trajectory of our state's economy or cede authority to the federal government. Thank you, Mister President.

(The Chair recognized Sen. Prescott for a question of Sen. Houde.)

SENATOR PRESCOTT: Thank you very much, Senator. Does this preclude a Senator wishing to introduce legislation this fall to raise the minimum wage beyond the federal minimum wage?

SENATOR HOUDE: I don't believe that it would preclude legislation from being introduced to reestablish the state's ability to have a minimum wage.

SENATOR PRESCOTT: Very good. Thank you very much.

The question is, notwithstanding the Governor's Veto, shall HB 133 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Veto overridden by necessary 2/3 vote.

Governor's Veto Message Regarding HB 329

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 329.

I support parental notification and parental involvement in a minor's decision to seek an abortion. The decision whether to complete a pregnancy or seek an abortion is a serious and life-changing one for any pregnant woman. Minors need and benefit from the support and guidance of their parents.

However, any law must make reasonable allowances for cases where that is not possible. I am particularly troubled by the lack of an exception for the victims of rape, incest and abuse. If the legislature works with me on this change and the other limited, common-sense changes outlined in this message, I would sign parental notification legislation. First, a young woman should not be forced to involve the person that abused her in the first place in this decision. That is why of the 36 states that require some form of parental involvement, 16 include exceptions from notification for rape or incest or abuse. There must be an exception for rape, incest and abuse in any parental notification law in New Hampshire.

Second, some of the provisions of this legislation are unclear and too narrow. The health exception does not allow a physician to sufficiently exercise his or her best medical judgment and proceed with an abortion when a delay will create a grave and immediate risk to the minor's health.

For example, when a physician sees a minor patient who is hemorrhaging, the physician may not be able to definitively determine whether a delay in performing an abortion would result in the irreversible impairment of a major bodily function, even if the physician has determined that there is surely a grave and immediate risk to the minor's health. The bill's medical emergency provision requires a physician to determine in a very short time frame that a delay will create a serious risk of a substantial and irreversible impairment of a major bodily function. That standard is narrow, complex and unworkable. It is difficult for a

physician – at any point in time – to be certain that a delay will present a “serious risk” that there will be both a “substantial and irreversible” impairment of a major bodily function. If the physician chooses not go forward with the abortion because of uncertainty of the risk, the minor’s health could be affected. If the physician performs the abortion and is wrong in that determination, then he or she is subject to criminal liability. The medical emergency standard now in HB 329 needs to allow physicians to exercise their full professional judgment based on all the potential serious health impacts to their patients.

Lastly, this bill subjects medical professionals to potential imprisonment and civil lawsuits without giving medical providers sufficient guidance on how to comply with the law. The law should include clear standards on what information must be collected from the minor and what records should be kept.

Because this legislation lacks an exception for rape and incest, and for the other reasons I have articulated, I am vetoing HB 329.

If the legislature passes a bill that addresses these concerns, then I am prepared to sign a parental notification law.

Respectfully submitted,
John H. Lynch
Governor

Date: June 15, 2011

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I rise again to ask my colleagues to sustain the Governor’s veto on House Bill 329. As my colleagues will no doubt recall, I offered two amendments to House Bill 329: The first proposed a medical provider bypass instead of the judicial bypass and removed criminal liability for providers. The second amendment changed the age to 17 and amended other parts of the bill, such as the need for potential harm to a young woman being irreversible. While neither of these garnered enough support to pass, the latter did garner enough support to sustain the Governor’s veto.

The Governor has written two more concerns in his veto message, particularly about the lack of an exception for rape, incest, or abuse, which, I would note, is contained in at least 16 of the states that have some form of parental involvement legislation or statutes. I hope my colleagues will similarly recognize those concerns for young women who for whatever reason, but particularly in the situation of rape, incest, or abuse, cannot tell their parents without risk of endangering themselves further, and therefore vote to sustain the Governor’s veto.

I would finally note that the Governor provides concrete guidance for an acceptable notification law. Next year, the question was just asked of me whether or not legislation could be introduced. I would suggest that an amended law could be introduced which, with the Governor’s support, would undoubtedly pass. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to encourage a sustaining of this veto. We debated this bill pretty thoroughly in the last sequence, but now it’s down to the wire. And, I think the Governor’s points in making the veto statement...As stated, the lack of an exception for rape, incest, and abuse – the bill does not allow for health exceptions, does not for a physician to sufficiently exercise their medical judgment. For example, when a physician sees a minor patient who is

hemorrhaging, the physician may not be able to definitively determine whether a delay in performing an abortion would result in irreversible impairment, yet this physician risks both the minor's health as well as their own professional liability under this law.

There was a very well-written statement in today's *Concord Monitor* from Dr. Julia Burdick, and I hope each of you saw this. But, in that she explains, of course, we want parents to be involved with their teenagers' lives.

She states: "A terrified pregnant teenager with an abusive family needs all the protection our court system and medical community can provide. A parental notification law imposed by a court system risks further abuse and harm to the teenager. Proper support and safety as well as confidential counseling and decision-making should be left to those who have spent years in training, not a judge.

As parents, we want to know when our daughters face a decision like this so we can be helpful and supportive. But our daughters' safety is more important than our desire to be informed. If, for whatever reason, our daughters can't or won't come to us, we must make sure they get safe professional medical attention and quality counseling from caring doctors and nurses. In states that already have parental notification laws, rates of teen pregnancy and patterns of decision-making have not changed. Instead, teenagers go to great lengths and danger to seek medical care and counseling outside of their home states and communities."

This doctor who writes says: "My whole career has been about making sure my patients get the best medical care I can provide." And, she applauds the Governor for his veto and encourages us as legislators to work toward more open access to affordable, compassionate and quality medical care rather than focusing on creating barriers.

This bill creates barriers; this bill puts teens at risk; this bill is dangerous to the health of teens across our state. We can correct it; we could at least account for rape and incest. And, while I wouldn't want any of these enforced, this bill is truly wrong for the young people of our communities and risks their wellbeing and in fact their lives. So, I urge you to think about this.

On WMUR just last night: a man accused of impregnating a 14-year-old girl. He's going to be deported because he's an illegal immigrant, but this girl – does she get to go home to a supportive family? What if her family tells her she has to carry this to term? Is this what you think is right? There are many, many instances – things that are unimaginable that happen in people's lives, and I encourage you to consider that as you vote for this. Thank you.

(The Chair recognized Sen. Groen.)

SENATOR GROEN: Thank you, Mister President. I urge that we do override the Governor's veto. I am rather surprised at the lack of confidence that some of my colleagues have in our court system. We have a very carefully written judicial override – that judicial override has been used in most states across the country; it works. In all of the cases that they've described, the judicial override works. I'd urge them to have more confidence in our court system. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I ask that my colleagues sustain the Governor's veto. I guess my question is: Do

we have such little confidence in the parents of children that we have to do something like this? 80 percent of the time – 80 percent of the time – a child will talk to their parent – will talk to their parent about a situation like this. Where is the confidence that we manifest in our ability to be good parents and work with our children in bringing our children up and bringing them through the process? I think that's the key issue. We know – we know! – of the incest that takes place in our communities; it's a terrible, terrible thing, but be aware of it, because it does exist! And, what do you do in that particular situation? You put a child through something that's really unbearable. And, the child bears that scar for the rest of their lives. That's a terrible thing; that's a terrible burden for all of us to carry. I would hope that my colleagues would think about that. I have two daughters; I have three granddaughters. We work on a positive relationship with our children and our grandchildren, a loving positive relationship. And, one would hope that that relationship would stand the test of time. And, I think the thing that we should have confidence is ourselves, both as parents, grandparents, and members of the community. And, when people need advice, they should be ready, willing, and able to get that advice from us. Thank you, Mister President.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. In the communication that I have heard from constituents, I have never seen such a lopsided message. I have received 408 emails; only six support the Governor's position; 402 support the override. That's a very strong message to me. Thank you very much.

The question is, notwithstanding the Governor's Veto, shall HB 329 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

Yeas: 17 - Nays: 7

Veto overridden by necessary 2/3 vote.

Recess. Out of recess.

AMENDMENT TO SENATE RULES

Sen. Bradley moved to amend the Senate Rules.

Amendment to Senate Rule 8-1

Amend Senate Rule 8-1 by replacing with the following:

8-1 Deadlines.

(a) Monday, October 10, 2011 – First day to file legislation for 2012 Senate Session.

(b) Friday, October 21, 2011 at 4:00 p.m. – Last day for the Office of Legislative Services to accept drafting of a Senate Bill or Resolution with complete information for the 2012 Session.

(c) Thursday, November 10, 2011 at 4:00 p.m. – Deadline for sponsor to sign off on legislation.

(d) Tuesday, November 22, 2011 at 4:00 p.m. – Deadline for co-sponsors to sign off on legislation.

SENATOR BRADLEY: Thank you, Mister President. This proposed rule would establish a filing deadline for the second year of the session. The proposed rule cites Monday, October 10th as the first day to file legislation; Friday, October 21st: the last day for Legislative Services to accept a drafting of a Senate Bill or Resolution; Thursday, November 10th at 4:00 p.m.: deadline for sponsors to sign off; and lastly, Tuesday, November 22nd: deadline for cosponsors to sign off.

The question is on the motion to amend Senate Rule 8-1. Adopted by necessary 2/3 vote.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted. Adjournment from the Early Session.

LIST OF RULE 2-15'S FOR THE DAY

Sen. Prescott: SB 91, HB 109.

Sen. Sanborn: HB 605.

Sen. White: SB 50, SB 89, HB 601-FN.

ANNOUNCEMENTS

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. I would ask for a Rule 2-17. I'm always proud to represent the Seacoast. And, this morning I brought to your attention some exceptional people. And, I have one more that I would like to bring to your attention, and that is a little boy from Rye.

Colton Bullard was recently awarded the Good Sport Award by Little League International. Colton demonstrates the New Hampshire spirit by the manner in which he lives his life. Colton was raised by his father until his father passed away six years ago from an aneurysm. Since that time, he has been raised by an adult: an aunt, and an older sister and brother. Colton's dedication and passion for baseball has been truly exemplified during his time in Little League.

Colton is a catcher, which is known as the "field general". And, he has proven himself a leader on and off the field. His brother was paralyzed in an automobile accident in 1993, and Colton has spent the last several years volunteering his time with a nonprofit organization for athletes with disabilities, as well as teaching survival skills at a camp for youth in Vermont.

While Colton has certainly been faced with adversity throughout his life, he has met every challenge and hardship head-on and with a smile on his face. It is very fitting that he be awarded the Good Sport Award by the International Little League Organization, and I welcome the entire Senate to join me. Thank you.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. I actually have, if I could, two 2-17's. The first one is to thank my colleague and his assistant. Senator D'Allesandro hosted a memorial service for Governor Peterson last week, which you spoke at. And, I have to tell you, nothing could have made the Governor's life any clearer. And, to Senator D'Allesandro and Sonja: You did a beautiful job for the Governor. Thank you.

I'd also like to speak about how the process went through the budget. And, this is truly why it's time to leave. I just received a phone call from the office that says: "No worries; she has good news about vegetables. She was excited; just wanted to tell you." So, it's time to go home for all of us. But, the reality is, I want the Senate to know that, you know, Senator D'Allesandro, Senator Odell, Senator Barnes, we fought through this budget process. And, none of them wanted the cigarette tax put in the budget; I can tell you that that was their belief that it wasn't going in – even the Senate President. We did not give this up just to give it up. We debated to the nth degree; it got very testy during that process. But, I want you to know that these people fought for you and I fought for you, and I'm from Salem! That wouldn't be my strongest belief, but we fought right to the end to make sure that we held the Senate's position.

But, I also was disappointed yesterday, and I'm glad that many of you today thanked the Finance team for their work and for their openness, because it was suggested it wasn't open. I made one mistake; I left Senator D'Allesandro sitting over there for two hours one day; I apologized to the hilt. It's just that you get caught up in things, and you will make a mistake up here. But, the reality was, I invited many of you to go in and debate about insurance or education, you know, with commissioners or with other colleagues, outside the Finance team, because I wanted your positions in this budget. And, I went into that with two things: Because I think in the overall thing, we forget about the little things. The Senate fought for two positions in the end. And, as you say, you know, 'The budget takes on your characteristics.' I can tell you we fought for public safety, we fought for the disabled, we fought for mental health. Those positions – they lived through this budget. The Senate's position is what happened. But, there were two other things during this process that nobody's talking about. And, I want you to know that the Senate does have a heart and does fight for all of you. There was a 111 year-old law on the safety net in our communities that was removed from the budget. We put that back in as Senators. We fought to make sure it stayed in there because it was the right thing to do. And then there was one other piece of legislation, and when Senator D'Allesandro was going on about 315 and 316 or whatever other sections he was talking about – and, God forbid I forget a number right about now – but, there was a section 304 that was in the budget – it's renumbered now; I don't even know where I'd find it. But, it was about special needs kids, and it was about the process that they've had in place. I can tell you the Senate fought to the nth degree, Senator, to keep that in place. You can be proud of what the Senate did in this budget process. It's those little things that will make a difference. To those of you that I gave up on the cigarette tax, I apologize. But, we fought to the end, and I want you to know that. And, I do believe it's a strong budget that does show what characteristics are in this Senate, and I'm proud of everything you did to help make that work. Thank you.

SENATOR HOUDE: Thank you, Mister President. Rule 2-17. Many of you knew Steve Taylor, former Agriculture Commissioner, and I'm very sad to report the passing of his wife, Gretchen. And so, I know that those in the Plainfield community are giving their very best thoughts and wishes to Steve and his family while he's going through this, and I'm sure that this group of Senators wants to do so, as well. Thank you.

PRESIDENT BRAGDON: I would note that there's a very good chance that we're going to need to come back, assuming the Governor makes

any more vetoes or others come over from the House, we're just not sure when. So, when we adjourn today, or when we recess today, I'm not sure when some of the issues, for instance, the budget, are time sensitive. But, we can't come back until after the House on some of these, if it happens. So, I would reserve Wednesday and Thursday of next week – just keep them open. I heard rumors the House is meeting on Thursday, so we may have to meet on Thursday. But, try and keep those open.

In the event there are no more vetoes, though, this might be one of our last days, and I would be remiss not to mention that our Sergeant-at-Arms for the last two years, Doug Wyman, has decided to get some time for himself and not hang around in the Senate Chambers one day a week. And, we appreciate, Doug, your service for the last two years, and issue our congratulations to you. Thank you, Doug.

Without objection, President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal of the Senate*.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of sending and receiving messages, processing enrolled bill reports and amendments, and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

OUTSTANDING BILLS

On June 16, 2011, the following Senate Bills were not signed off in Committee of Conference:

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

SB 162-FN, relative to federal health care reform 2010.

On June 16, 2011, the following House Bills were not signed off in Committee of Conference:

HB 33, relative to the care of memorials in Franconia Notch state park.

HB 141, relative to protected utility services.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

HB 25-FN-A, making appropriations for capital improvements.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

HB 248, establishing a commission to study business regulations in New Hampshire.

HB 299-FN, relative to the method of financing for the judicial retirement plan.

HB 337-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

HB 348-FN, relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 483-FN-L, relative to mosquito control.

HB 542-FN, relative to exceptions for objectionable material in public school courses.

HB 601-FN, relative to implementation of federal health care reform.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

June 14, 2011

2011-2418-EBA

06/03

Enrolled Bill Amendment to SB 2

The Committee on Enrolled Bills to which was referred SB 2

AN ACT relative to adoption of tax caps by cities, towns, and other political subdivisions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 2

This enrolled bill amendment corrects the language of a statute to reflect current law.

Enrolled Bill Amendment to SB 2

Amend RSA 32:2 as inserted by section 5 of the bill by replacing lines 6 and 7 with the following:

districts adopting that subdivision pursuant to RSA 32:14, I, and shall apply automatically in school districts or village districts located wholly within towns adopting that subdivision.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 28, 2011

2011-2530-EBA

03/10

Enrolled Bill Amendment to SB 50

The Committee on Enrolled Bills to which was referred SB 50

AN ACT making various changes to laws regulating trusts and trust companies.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 50

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 50

Amend RSA 564:19, II as inserted by section 5 of the bill by replacing line 1 with the following:

II. The following trusts created under a will shall be exempt from the accounting

Amend RSA 564:19, IV as inserted by section 5 of the bill by replacing line 3 with the following:

a judicial accounting or to give bond, either upon a motion of an interested person, or on the

Amend RSA 564:25 as inserted by section 6 of the bill by replacing line 2 with the following:

Code, shall apply to all trusts under a will governed by this chapter, except to the extent that any

Amend section 8 of the bill by replacing line 1 with the following:

8 Uniform Trust Code; Rules of Construction. Amend RSA 564-B:1-112

Amend section 10 of the bill by replacing line 1 with the following:

10 Uniform Trust Code; Trust Purposes. Amend RSA 564-B:4-404

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 20, 2011

2011-2516-EBA

05/09

Enrolled Bill Amendment to SB 51

The Committee on Enrolled Bills to which was referred SB 51

AN ACT relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 51

This enrolled bill amendment renumbers RSA 126-A:5, XIX, to provide for changes to the law made by 2011, 125 (SB 147-FN) and contingent on the adoption of HB 489-FN. This enrolled bill amendment also makes a technical correction.

Enrolled Bill Amendment to SB 51

Amend section 1 of the bill by replacing lines 2 and 3 with the following: XIX the following new paragraph:

XX.(a) The commissioners of the departments of health and human services and

Amend RSA 126-A:5, XX(a) as inserted by section 1 of the bill by replacing line 7 with the following:
participation by: the department of health and human services, including the bureau of

Amend the bill by inserting after section 1 the following new section and renumbering the original section 2 to read as 3:

2 Contingent Renumbering. If HB 489-FN of the 2011 legislative session becomes law, RSA 126-A, XX as inserted by section 1 of this bill shall be renumbered as RSA 126-A:5, XXI.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**June 27, 2011
2011-2526-EBA
08/01**

Enrolled Bill Amendment to SB 52-FN

The Committee on Enrolled Bills to which was referred SB 52-FN

AN ACT excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 52-FN

This enrolled bill amendment deletes a section of the bill which is identical to current law.

Enrolled Bill Amendment to SB 52-FN

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**June 24, 2011
2011-2525-EBA
01/04**

Enrolled Bill Amendment to SB 53-FN

The Committee on Enrolled Bills to which was referred SB 53-FN

AN ACT relative to the nursing assistant registry administered by the board of nursing.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 53-FN

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to SB 53-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of nursing and the nursing assistant registry administered by the board of nursing.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 17, 2011
2011-2514-EBA
03/10

Enrolled Bill Amendment to SB 63

The Committee on Enrolled Bills to which was referred SB 63

AN ACT relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 63

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill.

Enrolled Bill Amendment to SB 63

Amend the title of the bill by replacing it with the following:

AN ACT relative to the list of bail bondsmen and relative to forfeiture for failure to appear.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 23, 2011
2011-2524-EBA
10/04

Enrolled Bill Amendment to SB 88

The Committee on Enrolled Bills to which was referred SB 88

AN ACT relative to physical force in defense of a person, brandishing a firearm or other means of self-defense, and carrying firearms.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 88

This enrolled bill amendment corrects the title of the bill to reflect its contents.

Enrolled Bill Amendment to SB 88

Amend the title of the bill by replacing it with the following:

AN ACT relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 27, 2011
2011-2527-EBA
09/05

Enrolled Bill Amendment to SB 89

The Committee on Enrolled Bills to which was referred SB 89

AN ACT relative to employee leasing companies.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 89

This enrolled bill amendment changes the title of the bill to reflect its contents.

Enrolled Bill Amendment to SB 89

Amend the title of the bill by replacing it with the following:

AN ACT relative to employee leasing companies and establishing a study committee on the procurement of health insurance by employee leasing companies.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**June 14, 2011
2011-2411-EBA
04/03**

Enrolled Bill Amendment to SB 97

The Committee on Enrolled Bills to which was referred SB 97

AN ACT relative to the application of the community revitalization tax relief incentive.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 97

This enrolled bill amendment changes the word "acts" to "act" to maintain consistent usage in the bill.

Enrolled Bill Amendment to SB 97

Amend RSA 79-E:2, I as inserted by section 1 of the bill by replacing line 10 with the following:

buildings that have been destroyed by fire or act of nature, including where such

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**June 14, 2011
2011-2388-EBA
06/05**

Enrolled Bill Amendment to SB 120

The Committee on Enrolled Bills to which was referred SB 120

AN ACT relative to alcoholic beverage advertising restrictions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 120

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 120

Amend section 6 of the bill by replacing line 4 with the following:
be enforceable in the same manner as a prohibition adopted under RSA 179:31, XI-a. The

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 23, 2011
2011-2523-EBA
05/01

Enrolled Bill Amendment to SB 148-FN

The Committee on Enrolled Bills to which was referred SB 148-FN

AN ACT relative to health insurance coverage, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act, and requiring federal grant moneys received by the state for implementation of the Patient Protection and Affordable Care Act to be returned to the federal government.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 148-FN

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to SB 148-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to health insurance coverage.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 14, 2011
2011-2428-EBA
06/10

Enrolled Bill Amendment to SB 189

The Committee on Enrolled Bills to which was referred SB 189

AN ACT relative to the definition of mortgage loan originator.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 189

This enrolled bill amendment makes a technical correction to a bill section heading.

Enrolled Bill Amendment to SB 189

Amend section 1 of the bill by replacing line 1 with the following:

1 Mortgage Loan Originator; Definition. Amend RSA 397-A:1,

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 28, 2011
2011-2532-EBA
04/01

Enrolled Bill Amendment to HB 25-FN-A

The Committee on Enrolled Bills to which was referred HB 25-FN-A

AN ACT making appropriations for capital improvements.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 25-FN-A

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 25-FN-A

Amend section 1 of the bill by replacing line 2 of paragraph XIV, B with the following:

Total state appropriation paragraph XIV \$922,394

Amend section 1 of the bill by replacing line 8 of paragraph XVII, A with the following:

made from the fisheries habitat account established in RSA 214:1-g.

Amend section 14 of the bill by replacing line 2 with the following: appropriation made to the department of corrections in 2009, 145:1, IV, F for stormwater/sewer

Amend section 26 of the bill by replacing line 1 with the following:

26 Total Adjusted; 2005; Highway Funded Projects. Amend 2005, 259:4, total state

Amend section 28 of the bill by replacing line 1 of paragraph 52 with the following:

52. The appropriation made to the department of environmental services in 2010, 29:4, I, for

Amend section 28 of the bill by replacing line 1 of paragraph 55 with the following:

55. The appropriation made to the department of environmental services in 2005, 259:1, VI, B,

Amend section 28 of the bill by replacing line 2 of paragraph 75 with the following:

145:1, X, A, for statewide roofs and park repairs.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**June 28, 2011
2011-2531-EBA
03/10**

Enrolled Bill Amendment to HB 26-FN

The Committee on Enrolled Bills to which was referred HB 26-FN

AN ACT relative to the definition of gross misconduct for purposes of unemployment compensation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 26-FN

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill.

Enrolled Bill Amendment to HB 26-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of gross misconduct for purposes of unemployment compensation and relative to disqualification for unemployment benefits.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 20, 2011
2011-2517-EBA
06/01

Enrolled Bill Amendment to HB 130

The Committee on Enrolled Bills to which was referred HB 130

AN ACT relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 130

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 130

Amend RSA 193-E:3-b, I(b)(1) as inserted by section 1 of the bill by replacing line 1 with the following:

[a] **(b)(1)** The commissioner shall require school officials to submit a narrative explanation

Amend RSA 193-E:3-b, I(b)(2) as inserted by section 1 of the bill by replacing line 1 with the following:

[b] **(2)** The commissioner shall review the responses to each school's self-assessment

Amend RSA 193-E:3-b, I(b)(3) as inserted by section 1 of the bill by replacing line 1 with the following:

[c] **(3)** Schools that successfully demonstrate that they provide the opportunity for an

Amend RSA 193-E:3-b, I(b)(4) as inserted by section 1 of the bill by replacing line 1 with the following:

[d] **(4)** Schools that are unable to demonstrate that they provide the opportunity for an

Amend RSA 193-E:3-b, I(b)(5) as inserted by section 1 of the bill by replacing line 1 with the following:

[e] **(5)** The commissioner shall integrate, to the maximum extent practicable, the input-

Amend RSA 193-E:3-b, I(b)(6) as inserted by section 1 of the bill by replacing line 1 with the following:

[f] **(6)** Beginning September 1, 2012, the department shall annually conduct site visits

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 27, 2011
2011-2528-EBA
04/09

Enrolled Bill Amendment to HB 248

The Committee on Enrolled Bills to which was referred HB 248

AN ACT establishing a commission to study business regulations in New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 248

This enrolled bill amendment corrects the reference in the repeal section of the bill and contingently renumbers RSA 359-K as RSA 359-L to avoid duplicate numbering in SB 92.

Enrolled Bill Amendment to HB 248

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 359-K, relative to a commission to study business regulations in New Hampshire, is repealed.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingent Renumbering. If SB 92 of the 2011 legislative session becomes law, RSA 359-K as inserted by section 1 of this bill and the reference to RSA 359-K as inserted by section 2 of this bill shall be renumbered as RSA 359-L.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 29, 2011

2011-2534-EBA

06/01

Enrolled Bill Amendment to HB 337-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 337-FN-LOCAL

AN ACT amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 337-FN-LOCAL

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 337-FN-LOCAL

Amend RSA 198:38, I as inserted by section 10 of the bill by replacing line 2 with the following:

membership in attendance of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, III

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 28, 2011

2011-2533-EBA

05/03

Enrolled Bill Amendment to HB 348-FN

The Committee on Enrolled Bills to which was referred HB 348-FN

AN ACT relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 348-FN

This enrolled bill amendment makes technical corrections to the bill.

Enrolled Bill Amendment to HB 348-FN

Amend section 2 of the bill by replacing line 9 with the following:

V-a. "Game operator employer" means a primary game operator or a business

Amend RSA 287-D:2-c, V as inserted by section 7 of the bill by replacing line 1 with the following:

V. Prior to conducting any games of chance, the game operator or the game [operator's] operator

Amend RSA 287-D:2-c, II(c) as inserted by section 21 of the bill by replacing line 1 with the following:

(c) A list of the ***known*** ~~[games of chance in]~~ ***game dates on*** which the game operator will

Amend RSA 287-D:2-e, I(g) as inserted by section 23 of the bill by replacing line 1 with the following:

(g) In the event of a dedicated camera malfunction, the game operator employer or the

Amend RSA 287-D:2-e, II(a) as inserted by section 23 of the bill by replacing line 1 with the following:

(a) Have an auxiliary or backup power source available and capable of

Amend RSA 287-D:2-e, II(c) as inserted by section 23 of the bill by replacing line 1 with the following:

(c) Utilize cameras that possess the capability of having a picture displayed on a

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

2011-2515-EBA

June 17, 2011

03/10

Enrolled Bill Amendment to HB 390

The Committee on Enrolled Bills to which was referred HB 390

AN ACT relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 390

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to HB 390

Amend paragraph (6) of section 2 of the bill by replacing it with the following:

(6) RSA 227-C:18-22

State Heritage Collections Committee

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 14, 2011
2011-2409-EBA
06/04

Enrolled Bill Amendment to HB 489-FN

The Committee on Enrolled Bills to which was referred HB 489-FN
AN ACT establishing a health information organization corporation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 489-FN

This enrolled bill amendment renumbers a paragraph of RSA 126-A:5 to avoid duplicating the numbering of a paragraph inserted by SB 147-FN of the 2011 legislative session.

Enrolled Bill Amendment to HB 489-FN

Amend the amending language of section 7 of the bill by replacing line 2 with the following:

A:5 by inserting after paragraph XIX the following new paragraph:
Amend section 7 of the bill by replacing line 3 with the following:

XX. The commissioner shall enter into a contract with the health information organization

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 10, 2011
2011-2332-EBA
06/03

Enrolled Bill Amendment to HB 490-FN

The Committee on Enrolled Bills to which was referred HB 490-FN
AN ACT adopting the interstate compact for juveniles.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 490-FN

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 490-FN

Amend paragraph VI of article III of RSA 169-A:2 as inserted by section 1 of the bill by replacing lines 6 and 7 with the following:
managed by an executive director and interstate commission staff; administer enforcement and compliance with the provisions of the compact, its by-laws and rules, and perform such other duties

Amend paragraph IX of article III of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 3 with the following:
and any of its committees may close a meeting to the public where it determines by a 2/3 vote

Amend paragraph X of article III of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 5 with the following:
a full and accurate summary of any actions taken, and the reasons therefor, including a description

Amend subparagraph I(j) of article IV of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 2 with the following:
and services, and to receive, utilize, and dispose of it.

Amend subparagraph I(c) of article V of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Providing for the establishment of committees governing any general or specific

Amend subparagraph I(f) of article V of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 3 with the following:
payment and/or reserving of all of its debts and obligations;

Amend subparagraph III(b) of article V of RSA 169-A:2 as inserted by section 1 of the bill by replacing lines 3 and 4 with the following:
such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. Nothing in this subparagraph shall be construed to

Amend paragraph II of article X of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 5 with the following:
that state. The governors of nonmember states or their designees shall be invited to participate in

Amend subparagraph I(c) of article XI of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 4 with the following:
intent to withdraw within 60 days of its receipt thereof.

Amend subparagraph III(a) of article XI of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 1 with the following:

(a) Suspension or termination of membership in the compact shall be imposed

Amend paragraph IV of article XI of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 4 with the following:
its offices, to enforce compliance with the provisions of the compact and its duly promulgated rules and

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 1, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

HB 2, relative to state fees, funds, revenues, and expenditures.

Sen. Bradley moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 25, making appropriations for capital improvements.

HB 26, relative to the definition of gross misconduct for purposes of unemployment compensation and relative to disqualification for unemployment benefits.

HB 248, establishing a commission to study business regulations in New Hampshire.

HB 337, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

HB 348, relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

SB 50, making various changes to laws regulating trusts and trust companies.

SB 52, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

SB 53, relative to the definition of nursing and the nursing assistant registry administered by the board of nursing.

SB 88, relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.

SB 89, relative to employee leasing companies and establishing a study committee on the procurement of health insurance by employee leasing companies.

SB 148, relative to health insurance coverage.

Sen. White moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 130, relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

HB 299, relative to the method of financing for the judicial retirement plan.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HB 462, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 483, relative to mosquito control.

HB 542, relative to exceptions for objectionable material in public school courses.

HB 601, relative to implementation of federal health care reform.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

SB 12, relative to screening panels for medical injury claims.

SB 33, relative to retired state employee contributions for medical benefits costs.

SB 45, relative to criteria for designation as a Granite State scholar.

SB 68, relative to records of disciplinary actions taken by the electricians' board.

SB 70, relative to remedies in landlord-tenant actions.

SB 75, relative to clarification of part-time service in the state retirement system.

SB 91, relative to automatic fire suppression sprinklers.

SB 92, establishing an economic strategic commission to review the relationship between business and government.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

SB 161, relative to procedures for adoption of agency rules under the administrative procedures act.

SB 196, relative to the renomination or reelection of teachers and grievance procedures.

Sen. White moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

HB 489, establishing a health information organization corporation.

HB 490, adopting the interstate compact for juveniles.

SB 2, relative to adoption of tax caps by cities, towns, and other political subdivisions.

SB 51, relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

SB 63, relative to the list of bail bondsmen and relative to forfeiture for failure to appear.

SB 97, relative to the application of the community revitalization tax relief incentive.

SB 120, relative to alcoholic beverage advertising restrictions.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SB 189, relative to the definition of mortgage loan originator.

Sen. White moved adoption of the Report of Committee on Enrolled Bills. Adopted.

The Senate is in recess to the Call of the Chair.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

September 7, 2011

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Good afternoon. Well, it's just a few days before we mark the tenth anniversary of 9/11, and I know that everyone is remembering the events of that day and all of the emotions that we experienced as individuals and as a nation and as citizens of the world; we remember the loss and the fear and the anguish. And, we also call to mind some other things: the courage and the selflessness and the dedication to duty that we witnessed in our fellow human beings, and many of them made the ultimate sacrifice. So, I invite you to join with me in a moment of silence as we remember them now.

Reverend Atkinson led the Senate in a moment of silence in remembrance of September 11, 2001.

I'm going to share with you a meditation with a response, written by Sylvia Kamens and Rabbi Jack Riemer. The response is: "We remember them." I invite you to join with me in saying those words at the end of each line.

At the rising of the sun and its going down, we remember them.

At the blowing of the wind and the chill of winter, we remember them.

At the opening of the buds and in the rebirth of spring, we remember them.

At the blueness of the skies and in the warmth of summer, we remember them.

At the rustling of the leaves and in the beauty of autumn, we remember them.

At the beginning of the year and when it ends, we remember them.

As long as we live, they too will live; for they are now a part of us as we remember them.

When we are weary and in need of strength, we remember them.

When we are lost and sick at heart, we remember them.

When we have joy we crave to share, we remember them.

When we have decisions that are difficult to make, we remember them.

When we have achievements that are based on theirs, we remember them.

As long as we live, they too will live; for they are now a part of us as we remember them.

God of love and healing and hope, even as we recall the tragedy of the past, help us to move faithfully into the future, determined to be the people you call us to be and to make a difference in this city, this country, and your world.
Amen.

Sen. Prescott led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, and good afternoon, Mister President. I have two very lovely young ladies from Bow High School here today.

And, the first one I'd like to introduce is Ashlie Tucker. Ashlie is in 10th grade, and her favorite subject is history. And, her extracurricular activities include basketball, volunteering, and shopping, and lastly, soccer. I would like to just point out that Ashlie has scored four goals, and the Bow High School Girls Soccer Team is undefeated, right? So, that's a great thing. And, Ashlie wants to one day be a small business owner and create jobs, just what we need. Ashlie wants to attend college in New York City and become a fashion designer and own her own business. Thank you for being here, Ashlie, today.

The second lovely young lady, also a 10th-grader at Bow High School is Sarah Carlson. Sarah's favorite subject is mathematics – maybe we can hook you up with the Chairman of the Finance Committee after session today; help us with our budget. Her extracurricular activities include soccer, Nordic, track and field, and volunteering. She intends to attend college in Maine and become an engineer or an architect. Thank you for being with us today, Sarah.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. I have two of my long-time friends up in the gallery: Tammy Dargie and Tina Daniels.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: I'd like to introduce two Representatives from my District here: Dick Drisko and Jim Belanger. And, they're up here for the day, so let's welcome them.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I would also like to introduce a guest this afternoon; I'd like to introduce Representative Al Baldasaro from Londonderry. He's a State Representative – been a long-time Rep – and I welcome him to the Senate.

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I would like to introduce Representative Dan Donovan, who's joining us today, as well.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I would like to introduce Bob Kingsbury: State Rep from Laconia and a World War II veteran. Thank you, Bob.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. And, I see that we have former Representative Barbara French here. So, I'd like to welcome her.

Without objection, President Bragdon authorized Senator Luther to use electronic devices on the floor of the Senate.

SUSPENSION OF SENATE RULES

Sen. Bradley moved that all Rules of the Senate be so far suspended as to allow late drafting and introduction, and dispense referral to committee, notice of hearing, a committee hearing, a committee report, and a notice of the report in the Senate Calendar on a bill that will amend RSA 167:3-c and RSA 167:79 that will make technical corrections to HB 2 from the 2011 Session and if passed, ordered to Third Reading and Final Passage at the present time.

The question is on the motion to suspend all rules. Adopted by necessary 2/3 vote.

Without objection, the Clerk shall read the title of the Veto Messages only.

VETO

Governor's Veto Message Regarding SB 3

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed SB 3, making comprehensive changes to the state retirement system.

Even as this bill sits on my desk with a deadline of today, members of the ongoing conference committee on HB 1 and HB 2 have publicly announced that they will consider substantive changes to this legislation, a version of which is already included in HB 2. Those changes include potentially addressing decisions made yesterday by the Board of the Retirement System that could impact the budgets of the state and local communities.

Given the legislature's stated intent to change this legislation further, and my responsibility to review the legislation in its full and final form, I am vetoing Senate Bill 3 and will assess the legislature's final product.

Respectfully submitted,
John H. Lynch
Governor

Date: June 15, 2011

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. Not that much time has passed since we last debated this bill in February, March, April, May, and June for us to not remember what it is; it's retirement reform. It's been superseded by House Bill 2. Passage of this bill will have no practical impact because of a provision that was placed in House Bill 2 that superseded – should Governor Lynch have vetoed Senate Bill 3 – would have superseded our overriding it today. Nevertheless, I urge my colleagues to continue in the tradition of attempting to reform our retirement system and vote yes to override the Governor's veto.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to support the veto of Senate Bill 3 and recognize that in fact the language in House Bill 2 does take precedence. But, I would also point out that our predictions on retirement have come true. You compare the retirement in fiscal year 2010 to 2011 and you will see that there is a fourfold increase – four times the retirements this year as in previous years during the final months of the biennium. This is, I think, going to be more and more evident as we see our most senior teachers no longer teaching; our most senior firefighters have retired, our most senior police have retired. Not only have we seen layoffs because of reductions in city and town budgets, but we have seen a loss of some of our most experienced and professional public employees. So, I simply rise to say that these retirement changes will have a long-range affect, and I think that those who have retired will be missed in terms of their experience. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Larsen for a parliamentary inquiry.)

SENATOR LARSEN: It is my understanding that a "yes" vote is to override the veto and a "no" vote is to sustain the veto.

PRESIDENT BRAGDON: You are correct. A “yes” vote will override the veto; a “no” vote will sustain the veto.

SENATOR LARSEN: Thank you.

The question is, notwithstanding the Governor’s Veto, shall SB 3 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D’Allesandro, Merrill.

Yeas: 19 - Nays: 5

Veto overridden by necessary 2/3 vote.

Governor Lynch’s Veto Message Regarding SB 57

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 6, 2011, I vetoed SB 57, relative to regulation of title loan lenders.

I am vetoing this legislation because legalizing excessive interest rates for title loans – rates of 300 percent APR – would be detrimental to our families, our communities, and to our economy.

Thirty-one other states – including all the other New England states – ban these types of excessive interest rates. In 2006, Congress passed and former President George W. Bush signed federal legislation capping the interest rate on title loans to members of the military at 36 percent APR. In addition, SB 57 was strongly opposed by large numbers of Republicans and Democrats in the legislature, the New Hampshire Local Welfare Administrator’s Association, AARP, the Banking Department, the Department of Justice, the New Hampshire Community Loan Fund and New Hampshire Legal Assistance.

In 2008, bipartisan legislation supported by the Banking Department, the former Attorney General, communities and many others, capped interest rates on title and payday loans at 36 percent APR. That change was reasonable and well thought-out. There is no evidence that reversing that law would benefit New Hampshire. On the contrary, there is significant evidence that it would harm our state and families.

New Hampshire currently caps interest rates for title loans at 36 percent APR. This legislation would have allowed significantly higher interest rates for loans made against the title of a car. For example, under this bill, a family who took out a \$500 loan against their car would pay \$1,187 in principal and interest over the maximum 10-month life of the loan. At the same time, companies would be allowed to loan without any inquiry into a borrower’s ability to repay the loan and would even be allowed to loan to people receiving local welfare assistance.

Failure to repay a loan could lead to seizure of the family car, which is often essential for family members to maintain employment.

For vulnerable families, these excessive interest charges could force them further into a cycle of debt, and potentially onto public assistance. The New Hampshire Local Welfare Administrator’s Association said the “temporary relief” that may come from a title loan “often comes at the cost of enslaving recipients in a cycle of increasing debt for basic needs,

causing an ultimate crash and the need to come to the legal welfare office." Frequently, the welfare administrators said, families end up worse off than before they took out the loan.

That cycle of debt hurts our families, hurts our local communities, and ultimately our economy. Therefore, I am vetoing SB 57.

Respectfully submitted,
John H. Lynch
Governor

Date: July 6, 2011

(The Chair recognized Sen. Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in support of the vote to override the Governor's veto on Senate Bill 57, a bill relative to the regulation of title loans. The House Commerce Committee overwhelmingly and with bipartisan support voted to support Senate Bill 57 as the right balance between allowing title loan businesses back into New Hampshire and increasing consumer protections for those that use these loans. Those that claim the rate on these loans that exceed 300 percent do not factor in the new consumer protections that were passed in the bill. In fact, at no point will a consumer ever pay such an interest rate. National banks, credit card companies, and pawn shops all have financial products that in some cases exceed the APR rate to that public title loan. We as state legislators have no control over those loans. Today we can allow an industry that is regulated by New Hampshire back into the state, which means new jobs for those who need them and options for credit for New Hampshire consumers and businesses with a history of few complaints and an opportunity to bring back good-paying jobs with benefits to New Hampshire workers. Please override the Governor's veto of Senate Bill 57. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUDE: Thank you, Mister President. I don't know if I should have this be a question of Senator Sanborn, because I'm not sure what bipartisan support there was in the Commerce Committee for this particular bill. But, I'll just make my remarks in support of the Governor's veto.

I've argued against title loans on several occasions, to no avail to this point, I'll point out. But, I would like to reiterate some of the Governor's veto message. Legalizing excessive interest rates for title loans is bad for New Hampshire families, New Hampshire communities, and New Hampshire's economy. My colleague on the Commerce Committee is correct that we can't do anything about some of these loans, but I'm not sure when two wrongs made a right. 31 other states – including all of those in New England – banned them. And, the federal government... Legislation that was signed by George W. Bush in 2006 caps the interest rate on such loans to the military at 36 percent APR, which New Hampshire did in 2008. There is simply no reason – except for the desire of title loan companies who will profit at New Hampshire residents' expense – to reverse that position.

Here are the consequences of these types of loans, and they're quite incredible: A family that takes out a \$500 loan against their car could pay over \$1,000 over a maximum ten-month life of the loan. Companies could loan without any inquiry into the ability to pay, and would be allowed to make loans to people receiving welfare assistance. Failure to repay a loan could lead to seizure of a family car, which is often essential for

family members to maintain employment, whether in the North Country or elsewhere. This cycle of debt is what is most concerning to me, and others, including the New Hampshire Local Welfare Administrators Association, New Hampshire Legal Assistance, AARP, the Banking Department, the Department of Justice, and what I noticed certainly during the session, many in the faith community, are all opposed. We shouldn't do something just because we can. Thank you, Mister President.

The question is, notwithstanding the Governor's Veto, shall SB 57 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Groen, Kelly, Larsen, Barnes, D'Allesandro, Merrill.

Yeas: 17 - Nays: 7

Veto overridden by necessary 2/3 vote.

Governor Lynch's Veto Message Regarding SB 88

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed SB 88, relative to physical force in defense of a person.

In 2006, I vetoed legislation with identical provisions because the New Hampshire Chiefs of Police, the New Hampshire Sheriffs Association, the New Hampshire State Police, representatives of over 40 local law enforcement departments and the former Attorney General warned it would jeopardize public safety. Many of those same organizations and the current Attorney General have asked me to veto this bill because it contains the identical provision governing the use of deadly force. This legislation would permit the use of deadly force anywhere a person has a right to be, even if the person could easily remove himself or herself from an encounter without exposing himself or herself, or anyone else, to danger.

SB 88, like the earlier bill, is a dramatic and unwarranted change in New Hampshire law that would legalize the inappropriate use of deadly force and jeopardize public safety.

"The current law governing the use of deadly force in self-defense establishes a careful balance between the right to use deadly force in self-defense on the one side, and the sanctity of human life and the safety of innocent members of the public, on the other," wrote the New Hampshire Association of Chiefs of Police and the New Hampshire Sheriffs Association. "SB 88 would dramatically alter that balance and increase the potential for deadly encounters erupting in public places."

There are times when deadly force may be the only alternative, and existing law already makes provisions for those cases. Existing New Hampshire law already allows citizens to stand their ground and use deadly force – in any location – to protect themselves or another person in response to another's use of deadly force or to prevent a kidnapping or sexual assault no matter where those offenses take place. Current law also allows citizens to use deadly force to protect themselves against an intruder in their own home, regardless of whether the intruder has used deadly force. And current law puts the burden on the state to disprove beyond reasonable doubt claims of self-defense in other cases.

SB 88 would unleash the potential for increasing deadly violence in our communities. It would allow the use of deadly force on street corners, in shopping malls, public parks, and in retail stores. Drug dealers and other felons who brandish weapons will be further emboldened to use their weapons, while prosecution of those criminals will be made more difficult because of this bill's expansion of the right to use deadly force.

Given that the current law is working well and is widely supported by law enforcement, I have vetoed SB 88.

SB 88 also contains changes to the state's criminal law on mandatory minimum sentences for offenses involving a firearm, as well as changes to the definition of "non-deadly force. I am prepared to sign these provisions into law if they are subsequently enacted in separate legislation.

Respectfully submitted,

John H. Lynch

Governor

July 13, 2011

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I rise today in support of overriding the Governor's veto of the self defense/defense legislation known as Senate Bill 88.

I want to begin this by posing this question: What is our most basic fundamental human right? The answer is – and I think you will all agree – it is the right to self defense. It is the right to protect yourself and your loved ones from physical harm.

Currently, in New Hampshire's self defense statute, we have what is known as the Castle Doctrine. That says that within your home you have the right to defend yourself and your family from physical harm without a duty to retreat. However, unlike 31 other states, New Hampshire's self defense statute does not include the Stand Your Ground Doctrine. What is the Stand Your Ground Doctrine? The Stand Your Ground Doctrine says that you have the right to self defense of your family, yourself, against physical harm without a duty to retreat, wherever you may be.

Senate Bill 88 is a long overdue fix to this shortcoming in our state's self defense statute. It will permit self defense and it will eliminate the duty to retreat from wherever you have a right to be.

If we examine Chapter 627 a little more closely, which is our self defense statute, Part II says that you have a right to self defense. Then it goes on in Part III and it says: "Yeah, you've got a right to self defense, but before you exercise that right, you need to think about retreating first." And, I would suggest to my fellow Senators that no one in making a split-second decision should have to choose between going to jail or facing serious physical harm.

SB 88 is a well thought out, vetted measure that won large support in both chambers of this Legislature. It enjoys wide public support because the public understands that their fundamental right of self defense is limited and they want that limit lifted.

I ask you to please join me today in voting to override the Governor's veto of SB 88, and instead give our law-abiding citizens a stronger self defense statute: a right to self defense of themselves and their loved ones against physical harm from attackers wherever they may be. Thank you, Mister President.

(The Chair recognized Sen. Houde.)

SENATOR HOUE: Thank you, Mister President. Senator Boutin talked about what the bill does, and I can't add a lot to that. I just think it stops short, which is current law allows a person to use deadly force in self defense without a duty to retreat if they can do so in complete safety. So, that split-second decision that we talked about, one doesn't have to sit there and ponder and say: "Gee, I wonder if I can get out of this situation safely now." If they have to think about it then they're not in complete safety in using the duty to retreat, and so they'll be justified in using deadly force in self defense. I think it's a solution in search of a problem that we just don't have, and what it does is it creates an imbalance between public safety on the one hand, so that when a person has a right to use self defense in any place they can be, in any public place – a mall, shopping center, whatever – there's no consideration for the danger to others in that situation. And, I think any reasonable person in the State of New Hampshire would say: "Yeah, we should have a balance between public safety on the one hand and the right to self defense on the other." And, I think current law strikes that balance and Senate Bill 88 would throw it out of kilter.

I would remind people that the State has to disprove claims of self defense; there is a presumption that the self defense was warranted. I'm not aware of any cases that the State has tried to do so or been successful in doing so. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise and ask my colleagues, my brothers and sisters in the Senate, to sustain the Governor's veto on Senate Bill 88.

Let me begin my remarks by saying these things: We live in the safest state in the United States. We live in the healthiest state in the United States. We live in a state that is known around this nation as the best place to raise your children. I raised all of my children in the State of New Hampshire. I have nine grandchildren who we are raising in the State of New Hampshire. I feel very comfortable with the existing statute here in the State of New Hampshire.

I live in the most volatile area in the State of New Hampshire: I live in the City of Manchester. We have 10 percent of the population of this state within the confines of our city. Do we have abhorrent behavior in our city? Absolutely. Yet, our police chief, Chief Mara, is on record as not only being opposed to this bill, but saying without hesitation that what we are doing in The Queen City is the right thing, and we're doing it well. My police chief in Goffstown, Chief Sullivan: again, opposed to this legislation. What's happening in his town is good for his citizens; it's good for the State of New Hampshire. What we are looking for is a problem that doesn't exist.

And, we talk about all of these other states that have introduced this extension of the Castle Doctrine. Representative Shurtleff, who was a law enforcement official, writes in an editorial in the *Concord Monitor* today:

"Florida was one of the first states to experiment with the "standing your ground" concept with a law passed in 2005. A 2009 analysis by the St. Petersburg Times studied the impact of the Florida law and found that after averaging 34 homicides a year from 2000 to 2006, the number tripled to 100 a year from 2007 to 2009."

We must have the ultimate respect for our law enforcement community. They risk their lives every day for us. They're out in the streets every day protecting us. And, there isn't any one of them that asks us if we want them to be there. They're there because it's a public service; they are public servants. And, they have families. And, one of them was murdered in my District. So, I can tell you that the people of my community, the law enforcement members of my community, are out there every day protecting the lives and property of everyone who lives in that jurisdiction. And, I might say that statement is true of every law enforcement official in this state. And, we're all supported by these law enforcement officials. We all live in communities, we live in towns, we live in cities; we have police officers, we have firemen, protecting us all the time, asking them: your life is out there; your life is the one that's at risk on a continual basis, and you are defending us. And, what do they say about this bill? They say this bill gives more juice to the criminal than it does to the defender. Now, these are the law enforcement people that we support! We support them. There isn't anybody in this body who I think would have a negative thing to say about their law enforcement community. Our local police, our state police, our sheriffs, in unison, in unity, they have all come out against this piece of legislation. When have we ever seen unity like this against any one piece of legislation? That manifestation is rare – very rare in our state, if not very rare in our country. But, they're all speaking out in unison.

We all are here to do what we think is the right thing. I have great respect for every person in this body. And, you will do what you think is the right thing to do; I'm sure of that, regardless of how you vote. But, what I'm saying to you is this: It's your life, it's the life of your child, it's the life of your wife, it's the life of your family that's being protected on a daily basis. We're celebrating the sacrifice made by police and fire in the 9/11 situation. Ten years ago, those people had no inhibition at all about going into a building to defend the lives of the people they are sworn to protect, knowing full well that many of those people would not come out alive. Yet, they were there – they were there. Our public servants: our police officers, our firemen, others who gave their lives made that sacrifice. It seems to me that when our people who we ask to defend us ask us – ask us! – plead with us not to pass this legislation, we should listen. You know, being a good listener isn't a bad thing – it's not a bad thing. So, let's listen to the men and women who put a uniform on every day and whose basic responsibility is to protect us: to protect you, to protect me, to protect my family, to protect your families, and, if need be, to lay down their life for you. Think about that. Thank you, Mister President.

(The Chair recognized Sen. White for a question of Sen. D'Allesandro.)

SENATOR WHITE: Thank you, Senator D'Allesandro. I'd just ask you a question based on this statement from the New Hampshire Constitution: "All persons have the right to keep and bear arms in defense of themselves, their families, their property, and the state." Do you believe in that statement?

SENATOR D'ALLESANDRO: I certainly believe in the Constitution of the State of New Hampshire.

(The Chair recognized Sen. White for a follow-up question of Sen. D'Allesandro.)

SENATOR WHITE: Do you believe that the last part of that statement that says: "...bear arms in defense of themselves" pertains to people when they are outside of their home or their own property?

SENATOR D'ALLESANDRO: Well, thank you for the question, Senator White. I'm not a constitutional scholar. But, I think that what we have in place in terms of the laws that are a manifestation of the Constitution, because they haven't been questioned as being unconstitutional, are clearly representative of that statement.

SENATOR WHITE: Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise today to clarify the issue as I see it addressed in SB 88. Like many of you, I am sure, I have been in communication with my constituents in my District. And, I've realized that there is a lot of confusion regarding this legislation. And so, I would like an opportunity to clear up what I think is the important issue, and that is that this legislation is not a gun law, but a law regarding an individual's conduct. It is important to recognize that SB 88 does not change New Hampshire's laws regarding an individual's right to carry or own a gun. What this legislation does do is it changes the behavior that will be acceptable and legal for individuals who do carry a gun.

My concern about the outcome of this legislation is that it will put the safety of the public at an unreasonable and an unnecessary harm. Extending the use of deadly force to conduct addressed in SB 88 will now create situations where I believe innocent individuals and the public safety are at risk for imminent harm. Again, remember, SB 88 does not change an individual's right to own or to carry a gun. Current law, the law that is in place today in New Hampshire, balances the right of the individual to bear arms and our responsibility to public safety. As Senator Houde just said, our current law states that deadly force is justified to defend yourself in your own home, and it is also justified in many other situations if you cannot retreat in complete safety. It is also important to remember, as Senator D'Allesandro mentioned, that New Hampshire is the safest state in our nation, and I would think that we would want it to remain the same.

SB 88 will now create situations where I believe innocent individuals and public safety are truly at risk. SB 88 does not change an individual's right to own or carry a gun. For these reasons, I stand with Governor Lynch, New Hampshire's Attorney General, our local and state police, and vote to sustain the Governor's veto of SB 88. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I want to read one sentence out of the code as it stands right now, RSA 627:4, III: "A person is not justified in using deadly force on another to defend himself...or a third person from deadly force by the other if he...knows that he...and the third person can with complete safety retreat from the encounter."

If you saw the *Union Leader* today, the B section, top story: Here's an individual who did exactly that: attempted to retreat and was shot. "Man shot in ankle while fleeing two robbers." So, this individual is trying to fulfill, in essence, what the code is saying right now: to retreat from the encounter. What SB 88 does is it balances that out, and that's why I support this bill. Thank you, Mister President.

(The Chair recognized Sen. De Blois.)

SENATOR DE BLOIS: Thank you, Mister President. I rise in support of overturning the Governor's veto. This self defense bill really affirms our Second Amendment right to keep and bear arms. It's important, because budgets are being cut; in the City of Manchester, police officers are getting laid off. And, this bill allows the average citizen to take responsibility for his own safety. In Manchester, we have shootings a few times a year. In most of those shootings, the victims are unarmed. And, it's great to have the police protect us, and they do a fabulous job of doing that. But, when you're shot and you're laying in the street, the police are there to investigate why it happened, not to stop it. This bill takes the responsibility, allows you to protect yourself. I think it's a good bill; I think we ought to pass it, and I hope we do. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to support the sustaining vote – to vote no on this bill. We heard that, in fact, an argument that this somehow restores balance, and I would remind you that the New Hampshire Chiefs of Police and the New Hampshire Sheriffs Association wrote to us and to the public through an op ed that under current law governing the use of deadly force in self defense, the current law establishes a careful balance between the right to use deadly force in self defense on one side and the sanctity of human life and safety of innocent members of the public. They argue that Senate Bill 88 would dramatically alter that balance and increase the potential for deadly encounters erupting in public places.

We saw in another op ed a 2009 study: *St. Petersburg Times* studied the impact of Florida's law – Florida passed this in 2005 – and they found under this new law that after previously averaging 34 justifiable homicides between 2000 and 2006, the number tripled to 100 – 100 homicides from 2007 to 2009 in Florida. The Florida study highlighted diverse situations which homicides were justified under the law as it afforded individuals criminal immunity by simply saying they felt threatened: a gang shootout, an argument on a basketball court, and an argument over garbage bags in a hallway, all resulted in justifiable homicides or attempted homicides under the Florida Stand Your Ground Law.

The Police and Sheriffs went on to write to us that this more permissive standard would apply to anywhere a person has a right to be. Here in New Hampshire, that's any public place, such as a grocery store, a mall, a school, an airport, or a roadway. Senate Bill 88 would permit the use of deadly force in self defense in those places, even if the person could easily remove themselves from the situation. They write that, in fact, right now, under current law, the State must disprove the claim of self defense, and there is a presumption that the claim of self defense is valid, and the State must prove otherwise under current law. The Police and Sheriffs argue Senate Bill 88 is not a gun bill, nor is it a self defense/gun issue. So, they – our own law enforcement officials – argue they are not aware of any problems with our current law. The use of deadly force in self defense should be justified under the law only in those situations where there is no reasonable alternative.

New Hampshire is the safest state in the nation. Why would we pass this dangerous bill? I urge you to vote no and to sustain this veto.

(The Chair recognized Sen. White for a question of Sen. Larsen.)

SENATOR WHITE: Thank you, Mister President. Senator Larsen, do you believe that if a person produces or displays a gun, a knife, or any deadly weapon that they have committed assault with a deadly weapon?

SENATOR LARSEN: When you say "produce", are you saying brandish?

SENATOR WHITE: Yes.

SENATOR LARSEN: I believe that that would be heard in a court of law and it would be decided in a court of law under the fairness of our system whether in fact that person was threatened, whether they felt threatened, whether they were defending themselves against criminal threatening. So, I think it's really on an individual basis and that that would be answered in a court of law, where I think it's proper.

SENATOR WHITE: Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I'd like to just take a minute to walk all 24 of us through the one page that represents RSA 627:4, talk about what is proposing to be changed – which I would argue is rather narrow – and what isn't being changed, because I think what isn't being changed, which is when deadly force is justified, is critical to this debate.

If you look at the current statute that is not proposed to be changed – when deadly force can be used is today extremely narrow, and it will continue to be extremely narrow tomorrow. There are four items that would justify use of deadly force: First of all, you must reasonably believe – and, that's a legal standard – that unlawful deadly force is about to be used against you – unlawful deadly force is about to be used against you. We are not changing that standard.

The second criteria is that any unlawful force – not unlawful deadly force, but unlawful force – against a person while a burglary is being attempted. That's the current law; that will continue to be the current law.

The third is if there is an attempted kidnapping or forcible sexual offense. Current law, will stay under Senate Bill 88. Or, if there is likely to be unlawful force in the commission of a felony against the person within his or her dwelling and/or its curtilage: area surrounding the dwelling. None of that is changed, which is why I would argue that this law, though emotional, that this proposed law, though widely debated, is very narrow in its focus. It just changes the duty to retreat. And, if you go further down in the legislation, that's where it is. No longer will you have to look around, see what your opportunities for retreat are when confronted with one of life's most desperate circumstances which, while we're one of the safest states in the nation, happens from time to time, as Senator Luther talked about a gentleman this morning.

I'd like to touch a little bit on Florida, because Florida has been raised, in particular by those that are articulating opposition to this bill. And, while it is true that the number of justifiable homicides increased, I think it's also important to dig a little bit deeper into the crime statistics in Florida. We all remember last year was an election year: Governor Charlie Crist touted the fact that Florida, in 2009 – and, this is when he was running for the United States Senate – had set a 39-year crime low. Now, it's not all because Florida's a Stand Your Ground state – certainly not. But, when the public has an opportunity to defend themselves, that minimizes the likelihood of crime. Some of those statistics are pretty

interesting. A 39-year crime low – what does it mean? 60,000 fewer crimes: vehicle theft down 21 percent; robberies down 15 percent; murders down 13 percent; aggravated assaults down 8.4 percent. So, when one looks at Florida, which is the first state in the nation to have Stand-Your-Ground legislation, I believe one must look at the entire picture, which not only are there justifiable homicides, but the significant decrease in overall crime.

There's been talk about: Have we adequately listened to those that are in opposition to the bill? Well, interestingly enough, the Governor paid a visit to me this morning. I told him, as I've said all along, if there are issues with this bill that make its implementation difficult to prosecute criminals, I'm all ears as to how we can fix it. I was ears when this bill was first introduced, through the entire process, today on the floor, and in the future. And, I suspect that all 24 of us are, because each and every one of us in this chamber salutes the work that our law enforcement personnel do, our firefighters do, all our public safety officials do, our troops that just returned home from serving overseas and the National Guard do, and every man and woman that has served this country so admirably for so many generations.

What I think it comes down to is this: It's a narrow change that in those most desperate of circumstances when your life's on the line, when the life of one of your loved ones are on the line, and there is a real threat, do you have to think about the consequences after the fact of being second-guessed when you've defended yourself? People have compared this, again, to Florida. The Florida law is much more aggressive, if you will, than the New Hampshire law: A perceived threat can be utilized to call for justifiable homicide. But again, we go back to the law that did not change under Senate Bill 88. There must be a real threat that a person reasonably believes is deadly force to be used against him or her: a robbery, a kidnapping, a sexual assault, or a felony on one's property – none of that has changed. And, that's why I would urge my colleagues to continue to make sure that New Hampshire is the safest state by making sure that in the world where a law enforcement officer is not always present in a life-threatening situation, that people have the ability to defend themselves. I urge a yes vote and override the veto. Thank you, Mister President.

(The Chair recognized Sen. Larsen for a question of Sen. Bradley.)

SENATOR LARSEN: Senator Bradley, we heard from the Chiefs of Police and the Sheriffs that in fact they are not aware of any problems with the current law. We also know that no one in New Hampshire has ever been prosecuted for using deadly force instead of fleeing a perceived threat. So, what is the problem we are attempting to solve?

SENATOR BRADLEY: Senator Larsen, I am aware of that; I've had those same conversations with law enforcement personnel. But, I also know, and I think you know, of a constituent of mine who was charged under a different statute for brandishing and the turmoil that ended up for that gentleman, that can happen when these situations get out of control. This is something that when people are threatened – and, increasingly we see this in this uncertain world, even in the safest state in the nation – that people are threatened. The story that our friend from Nashua outlined today: Are we forcing them to be second-guessed after the fact in a situation like Senator Luther outlined? That's the possibility here.

(The Chair recognized Sen. Larsen for a follow-up question of Sen. Bradley.)

SENATOR LARSEN: I am not convinced that the issue of brandishing a weapon relates to this. You would have to convince me that brandishing a weapon is the same as standing your ground.

SENATOR BRADLEY: It is a different section of the law, a different statute, fixed by this bill, by Senate Bill 88, I would add, and an example of what can happen.

SENATOR LARSEN: Thank you.

The question is, notwithstanding the Governor's Veto, shall SB 88 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

Yeas: 17- Nays: 7

Veto overridden by necessary 2/3 vote.

Governor Lynch's Veto Message Regarding SB 91

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed SB 91, an act relative to residential fire sprinklers.

SB 91 prohibits local governing bodies from requiring the installation of a fire suppression sprinkler system in proposed one or two-family residences as a condition of approval for a local permit. While it preserves existing local ordinances requiring automatic sprinkler systems in the communities that have adopted such ordinances, it would eliminate enforcement of any existing ordinance that requires sprinklers in manufactured housing units that are situated in a manufactured housing park.

The State Fire Marshal and numerous local fire departments across the State believe that local officials should continue to have the ability to require automatic sprinkler systems as an option when evaluating new residential construction.

This bill will limit the choices available to communities in meeting local fire control requirements. Instead of providing a range of options, communities will now have to revert to requiring what may be more costly options: fire ponds, cisterns, wider road widths, increasing the size of building lots and increasing the size of distance between buildings.

The decision of whether or not to require automatic sprinkler systems for new or renovated residential development has been, and should remain, a local one. The State should not preempt local decision-making. That is why I vetoed HB 109, a related bill that prohibits local planning boards from adopting regulations requiring sprinklers for one and two family homes in new subdivisions. SB 91, like HB 109, will remove local control over an important issue.

For these reasons, I am vetoing SB 91.

Respectfully submitted,
John H. Lynch
Governor

Date: July 13, 2011

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: Thank you, Mister President. I rise in support of overriding the Governor's veto on Senate Bill 91, having to do with prohibiting the requirement for sprinklers.

I'll begin by saying this is contained in House Bill 109, which has already debated in the House and Senate, was overridden in the past, and that had to do with restricting planning boards from requiring sprinklers in their subdivision process. Senate Bill 91 is a little bit different, in that it has to do with giving communities that authority. So, let me just take a moment and say why I think this is a bad idea and it would be a bad idea to sustain the veto.

First of all, for some period of time now, we've had our unemployment at nine percent. Our economy is in the doldrums. That sector of the economy that is hurting the worst – hurting the worst – is the housing sector. Getting financing is a difficult problem. And so, why on earth would we, at this time, in this most difficult economic time in our state and as well across the nation, would we want to add new regulations? I mean, even Washington – unheard of! – Washington is starting to repeal regulations. Why in New Hampshire do we want to have new regulations that would cost homeowners large dollars – significant dollars?

Additionally, what Senate Bill 91 does is addresses manufactured housing parks. And, it would be a significant hardship to require title proved manufactured housing coming into our state having to be ripped apart, install sprinklers, and then put back together, only driving up the cost of housing for those people who can least afford that extra cost.

So, I urge my members to join me today in overriding the Governor's veto of Senate Bill 91 and give our homeowners and prospective homeowners the relief that they so badly need. Thank you, Mister President.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise in support of the Governor's veto of SB 91. First, I want to say that I certainly understand and share concerns that have come up about the potential cost of fire sprinklers and what that may add to the cost of housing, especially for our lower and middle class citizens. I believe that in the Senate we've demonstrated a commitment to workforce housing, including just this session, when we rejected a bill that would have repealed major workforce housing legislation that we passed just a few years ago.

With that said, I think that Senate Bill 91 goes too far in tying the hands of our local officials in making decisions about what they know makes sense for their own communities, both in terms of public safety and cost, for in fact it's possible that in some cases, alternative fire control measures may end up being as or more expensive than sprinklers. I have faith in my municipal and my fire officials to make responsible and reasonable decisions.

I think that SB 91 is an unnecessary encroachment on local control, and for that reason I will vote to sustain the Governor's veto. Thank you, Mister President.

(The Chair recognized Sen. Barnes for a question of Sen. Merrill.)

SENATOR BARNES: Senator Merrill, you ended up with two words that are very dear to my heart: local control. Isn't local control also that people who own those homes make those decisions, whether they want them or not? Isn't that part of local control? That's the way I look at it.

SENATOR MERRILL: Certainly that's a level of control that we enjoy. But, I think we have also seen that it's appropriate to invest decision-making in our local officials on a number of fronts, and I believe that this is one that's appropriate at that level as opposed to, in this case, at the state level, as is being proposed.

SENATOR BARNES: Thank you, Senator Merrill.

SENATOR MERRILL: Thank you, Senator Barnes.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I have, over the years, as some of you might know, worked long and hard on workforce housing issues. And, we did succeed in – thank goodness – with everyone's cooperation, we succeeded in protecting many of those new changes that will hopefully open doors to workforce housing and more affordable housing and, in fact, construction jobs. I live in a city that in fact has an ordinance that allows for scattered-type developments for a residential area to go on the limits of the city where there's no fire hydrant nearby, no public water. But, my city has chosen to allow that development. But, to keep those people safe, they've been able to say: "You as a developer, you as a potential home-buyer can locate out there, but we can't guarantee public water to you, sprinklers to you." So, in fact, the way Concord addressed this was to say if you're going to have a scattered-type development in that scenario then you might be asked to put in sprinklers into that area. And, the people who choose to live so far from public water sources understand that when they buy. In the same way, I think, manufactured housing is sometimes located on the outskirts of town and the difficulty of our fire department in a city that's the size of Concord – 260 square miles – it's difficult for our fire department to cover all that. So, our city chose to pass a local ordinance. Our city, under this law, would be grandfathered. But, there are communities across this state that may choose to do a similar thing, to allow a developer to go into a very rural area and to locate housing there, and it might be the perfect setting for someone in a private home. But, this bill goes too far, I'm afraid, in that it says that that kind of an arrangement cannot be made. What I wonder is, don't you not only lose local control, but do you not also lose your ability as a taxpayer to not have to service someone who's chosen to live so far out of town that your fire department cannot protect them as might be expected, that your water system might be required to be moved out that far because there are too many houses out there now. So, as taxpayers, you are in fact supporting other people's choices to live in rural communities in rural locations.

So, my consideration on this is that I think it goes too far and that there may be some middle ground somewhere. But, I do not believe that this is reasonable to limit local control in this way, and in fact I think we need to sustain this and keep working on the issue. So, thank you, Mister President.

The question is, notwithstanding the Governor's Veto, shall SB 91 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Stiles, Bragdon.

The following Senators voted No: Houde, Odell, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 6

Veto overridden by necessary 2/3 vote.

Sen. Prescott asserts Rule 2-15 on SB 91.

Governor's Veto Message Regarding SB 129

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 27, 2011, I vetoed SB 129.

The right to vote is a fundamental right that is guaranteed to all citizens of this State under the United States and New Hampshire Constitutions. An eligible voter who goes to the polls to vote on Election Day should be able to have his or her vote count on Election Day. SB 129 creates a real risk that New Hampshire voters will be denied their right to vote.

Voter turnout in New Hampshire is among the highest in the nation, election after election. There is no voter fraud problem in New Hampshire. We already have strong elections laws that are effective in regulating our elections.

SB 129 requires a voter to present photo identification in order to cast a ballot in any municipal, state or federal election in New Hampshire. The photo identification must be one that is issued by the United States government or the State of New Hampshire, or a driver's license from another state. Without that type of photo identification, the voter can only cast a "provisional" ballot, requiring the voter to return to their city or town clerk's office no later than 2 ½ days after the election with a valid photo ID, a waiver from the Secretary of State, or an affidavit of religious exemption.

Seniors, students, those who are disabled or do not drive, and those who do not already have a state-issued or federal-issued photo ID, may not be able to arrange to obtain a valid photo ID within the tight 2 ½ day timeframe. Many town offices are closed or have only limited hours on Wednesday, Thursday and Friday, when those voters who received a provisional ballot would be expected to return to produce a photo ID and have their vote counted. Voters in areas of the state where DMV offices have been consolidated will also be disadvantaged. Traveling to Concord or Manchester is not an option for everyone. These circumstances will present real hardships, especially for our seniors and disabled voters.

The New Hampshire City and Town Clerks Association, AARP, the League of Women Voters, and the Secretary of State have all opposed provisions of this bill. The bill's provisions for the length of time to produce a valid photo ID after an election and the types of photo IDs allowed are among the most restrictive voter identification provisions in the nation despite any evidence that current law is insufficient protection against voter fraud.

If SB 129 were to take effect, New Hampshire would have a different and more lenient standard to register to vote than to cast a vote. Under current law, a person registering to vote prior to Election Day can execute an affidavit and does not need to produce a photo ID. When a voter chooses to use a photo ID to register, he or she may use any photo ID deemed to be legitimate by the local official, not just a State of New Hampshire or US Government issued ID.

But SB 129 goes even further and actually discriminates between state and federal workers on one hand and municipal and private em-

ployees on the other. Under SB 129, a State Trooper can use his or her state photo ID to vote, but a municipal police officer cannot use his or her municipal issued photo ID. State employees can use their agency-issued photo ID's to vote, but employees at private companies may not use their company-issued photo IDs. SB 129 would also allow a person to use a Massachusetts or Maine driver's license as a valid photo ID to vote, even though a municipal photo ID issued by Raymond or Londonderry would not be a valid photo ID. Creating a two-tiered system of photo IDs for registering and voting makes no sense. It will only cause confusion and frustration at the polls that is bound to result in preventing some voters from casting their vote on Election Day.

There is also no provision made in SB 129 to guarantee the confidentiality of those that cast a provisional ballot. Unlike current election law, which protects from public disclosure the names of those persons who request and cast an absentee ballot during the election process, there is no comparable provision guaranteeing confidentiality to those who are issued and cast a provisional ballot. Ballot secrecy is fundamental to our voting system, and SB 129 fails to preserve ballot secrecy for all voters.

The provisional ballot provision of SB 129 may also impact the State's responsibility to conclude its state primary elections in a timeframe that will allow the general election ballots to be prepared and sent to military and other overseas voters in compliance with federal law. Many of the states that have adopted the use of provisional ballots with photo ID have primaries in the spring or early summer months, much earlier than New Hampshire's state primary. There is also a risk that challenges to election results over the validity of provisional ballots will impact the Secretary of State's ability to meet federal requirements for supplying general election ballots to overseas voters.

For all these reasons, I am vetoing SB 129.

Respectfully submitted,
John H. Lynch
Governor

Date: June 27, 2011

SENATOR CARSON: Thank you, Mister President. I rise today to ask my colleagues to support a veto override of Senate Bill 129. Senate Bill 129 requires that any person seeking to vote in a New Hampshire election produce a photo identification card. This is not the first time that we've seen a bill dealing with the requirement of a photo identification card to vote in the State of New Hampshire. Back in 2007, both the House and the Senate passed a version of a photo ID bill, only to have it vetoed by the same Governor for a very similar reason.

The world that we live in today moves very fast, and it's gotten a lot faster since 2007. The carrying of a photo identification and the requirement of using a photo identification card has rapidly escalated. You can't cash a check, you can't buy certain cold medicines, you can't check baggage at an airport without one, and you can't send a package from FedEx without some sort of a photo identification card, which says you are who you say you are.

Currently, 30 states require some form of identification to vote, and in a 2010 Rasmussen poll, it showed that 82 percent of Americans support some sort of a photo identification law. Furthermore, as a response to the overwhelming public support, voter identification has been considered in 17 of 20 states that currently do not have a requirement over the past year. New Hampshire is the only state that allows same-day registration

but does not require a photo ID and does not employ provisional ballots, a combination that makes our process ripe for fraud and magnifies the importance of voter ID reform.

What I'd like to do is to address some of the concerns that have been voiced about this bill. First, that there's no voter fraud problem here in the State of New Hampshire, so we don't need this bill. Although successful prosecutions of voter fraud are rare, there are hundreds of allegations of suspicious or fraudulent voting every two years. Unfortunately, because states without voter ID laws lack any sort of reliable paper trail, it is nearly impossible to properly investigate possible election fraud after the fact.

Secondly, too many people lack the necessary identification and it's too difficult for them to acquire. In a recent American University survey of registered voters in three states – Indiana, Maryland, and Mississippi – found that only 1.2 percent of respondents lacked a government-issued photo ID. Moreover, of those surveyed, less than 0.5 percent had neither an ID nor the proper documents necessary to obtain one.

In a recent case, *Crawford v. Marion County Election Board*, the Supreme Court ruled that if identification cards are free, as they would be in New Hampshire under this bill, the inconvenience of going to the Bureau of Motor Vehicles, gathering required documents, and posing for a photograph does not qualify as a substantial burden on voters' rights to vote or represent a significant increase over the usual burdens of voting. Again, it's important to point out in this bill, if you do not have any kind of photo identification, you can go to the clerk and they will give you a voucher where you can go to any motor vehicle division office in the State of New Hampshire and get a non-driver's license photo ID for nothing. This is being paid for out of our existing Helping America Vote Act fund.

The New Hampshire voter ID law would not go into effect until November 2012 general elections, giving residents without proper identification over a year to take the necessary steps to obtain one.

Another problem that people have spoken about is that voter ID laws stifle voter turnout. The first voter ID laws were enacted in 2003, following the passage of the Helping America Vote Act, and since then, 30 states have adopted some form of identification requirement. Over that time, and despite many attempts, studies have failed to find a sustained link between reduced turnout and voter ID requirements.

Another complaint is town clerks and moderators will not be able to implement the law. Although the Election Day process will change slightly, local officials will have three elections to work out the best practices for implementing the law before it becomes effective in November 2012. Working with the Secretary of State, there is little doubt town officials can take the steps necessary to protect our democratic process. If problems arise, legislators will have sufficient time to adopt any necessary fixes.

Finally, provisional ballots will disrupt the recount process in New Hampshire. Due to the number of races on the ballot each year, New Hampshire has more recounts after every election than any other state. While the use of provisional ballots will add another layer to that recount process, it is doubtful the number of ballots will overwhelm the system as some have predicted. Furthermore, statutory or rulemaking language adjusting existing recount deadlines by a day or two should provide the additional time necessary to ensure all properly cast ballots are counted.

Ladies and gentlemen, it's time. It is time that we pass a voter ID law. The people of New Hampshire are asking for one. This is a right step in the right direction to provide that for us. It speaks to the integrity of our election process, and it ensures that our process remains clean and without fraud. So, again, today I ask you to please vote with me to override the veto on Senate Bill 129. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the Governor's veto. As you know, Mister President, I was a civics teacher. And, one of the things that I emphasized in all of my classes was voting. In 1964-1965 in the United States of America, we passed two very fundamental pieces of legislation: One piece was called the Voting Rights Act – the Voting Rights Act – because people were denied the right to vote. We had a head and poll tax, which meant you had to pay a fee or you couldn't vote – pay a fee! – or you couldn't vote. Thank of that. 1964, '65 is not that far away. The Voting Rights Act: to allow more people to participate in the process. In New Hampshire, the beautiful State of New Hampshire, which I adore, you had to, in some of our little towns, produce a passport in order to register to vote. What percentage of people in the United States of America have a passport? 20 percent; 20 percent have a passport. But, we got rid of that; we got rid of that in New Hampshire. And, guess what? We even have unified polling hours in New Hampshire, because in the old days the polls used to open at 11 and close at 5. So, if you were working, guess what? You didn't vote! You didn't vote. We have an election process in this state that's as good as any in the nation – any in the nation. We encourage voter participation. We have same-day registration; it's a very significant issue. Why's it such a significant issue? Because of the transient nature of the population. You know, if a kid starts in grammar school in Manchester, on the west side of Manchester, 30 percent of those kids won't be in that same school at the end of the year; they'll be on the other side of the river or they'll be out of town. We should be doing everything we can to induce people to participate in this magnificent process. You know, many of our brothers and sisters have given their lives to sustain this process, to make this process open to everyone – open to everyone – in the most accessible fashion.

Now, some of us talk about this provisional ballot, where you've got three days to come back and get it checked out. Come on. We don't need provisional ballots – we don't need provisional ballots. We need good election poll activity, and we have that. The Secretary of State, the League of Women Voters, the city and town clerks all oppose this piece of legislation – they all oppose this piece of legislation! Again, we're trying to solve a problem that we don't have. We're coming up with all kinds of solutions we don't have problems for! Let's put all of these solutions in a bank, call it the solution bank, and every time we have a problem, we'll go and pull that answer out! Now, come on. Voting is a constitutional right; it's a privilege in a democracy. We do it well in New Hampshire. And, I might say, Mister President, the Secretary of State was my student in civics when he was in the ninth grade! And, he's the longest serving Secretary of State in the United States of America. And, he is noted for quality election work – called upon all over the country to give his enunciation on how to run a good election. We run the best elections. I mean, look at the quality that we have here: all elected! All elected! How can we fight that issue? Thank you, Mister President.

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. I rise in thanks of Governor Lynch for vetoing Senate Bill 129, basically because of the provisional ballot measure. I am certainly in favor of photo IDs. You go to the polls, and if you have the luxury of being able to go with your children to register them to vote, and you find that people are asked for a photo ID. And, it shouldn't be any more stringent than that to vote, and that's just exactly what the provisional ballot measure does. It makes it more difficult to vote if this bill passes than it does to register to vote. So, I rise and say thank you very much, Governor Lynch. And, I plan on bringing forward legislation this fall to bring forward a position of voter ID that does just that: makes it just as easy to vote as it does to register to vote. Thank you very much, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I rise in support of Governor Lynch's veto of SB 129. If the premise of this legislation is to address a problem of New Hampshire voter fraud, and if the Secretary of State and the city and town clerks clearly state that there is no history of voter fraud, then there is no basis for this legislation, and therefore New Hampshire current law that protects an individual's right to vote should not be changed. If the premise of SB 129 is based on a fear of future unsubstantiated voter fraud and the passage of this law results in placing additional burdens on voters with the potential for voter discrimination and even a possibility of limiting an individual's right to vote, this legislation is not only far-reaching, but unnecessary. Therefore, I stand with the rights of our voters and will vote to sustain the Governor's veto. Thank you.

(The Chair recognized Sen. White.)

SENATOR WHITE: Thank you, Mister President. This has been a tough bill for me. I will first of all state as I stated the first time this bill came through the Senate: I unequivocally support voter ID. I do think that it's important to the integrity of the process to have voter ID, that a person proves they are who they say they are. To Senator D'Allesandro's point, he talked about how sacred the vote is and that we need to encourage people to vote. I would submit to you that one of the best ways you can encourage a person to vote is to assure them of the integrity of the process; otherwise they're frustrated and they don't vote.

On the other hand, we had a bill that allowed people to cast their vote on the day they vote; we had what I thought was a pretty good bill. I believe the House felt differently, because one of the things they saw as a flaw in our bill was that if a fraudulent ballot is cast, there is no way to retrieve it. And so, yes, you have a photo of the person who cast that fraudulent ballot, yes, you have the affidavit, but the ballot's in the box. And so, they didn't like that provision, and they sought to solve it another way. The Chairman of the committee that sent the bill back to us asked me this morning: "I know the bill has some problems; I know the bill has some flaws. Could you just pass it, and I promise you I've already got fixes ready to go; I know there's some issues." But, that presents a dilemma for us. We try to pass good legislation here and we try to be thoughtful.

I was interviewed by a reporter about a week ago about what was going on with SB 129. And, they asked me, first of all: "Well, is it a partisan issue?" I said: "There's nothing in the Senate that's not a partisan issue. That's a foolish question." But, then they asked me: "Well, do you think that people are voting the party line or being guided by their natural

constituencies and that's why this has been so cantankerous?" I said: "No, I believe that the reason that this has been so cantankerous is because 24 Senators really, really care about the election process, really care about the first-in-the-nation Primary, really care about voting." Now, we have some differences of opinion about the mechanics of that. But, I don't think in New Hampshire the sacredness of voting, the principle of one person, one vote...I don't call into question anybody's motives about that here – nobody. I think that's to your point, Senator D'Allesandro. By the way, was your point that you were such a good civics teacher that you have the longest serving Secretary of State, or...Is that what it was?

SENATOR D'ALLESANDRO: I was the best civics teacher!

SENATOR WHITE: I appreciate you clarifying that.

SENATOR D'ALLESANDRO: I wanted to clarify that specifically for you.

SENATOR WHITE: But, I think that the bill does have some flaws, and even the Chairman of the House committee that I spoke to this morning...because he asked me where I was on this, and I said I was still undecided at that hour in the morning, believe it or not, because, again, I unequivocally believe in the principle of voter ID and the accordance of it to assure the public of the integrity of the process. But, I have concerns about the flaws of the bill. So, I guess I'd say to everybody, as you vote your conscience today: This is somewhat of a Hobson's Choice because there are some issues, and it's a tough vote, and...It's just a tough vote.

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. Well, I'd like to thank Senator White; he took a lot of my thunder, so this will be hopefully relatively short.

I agree with my colleague from Manchester that we should be doing everything we can to protect an individual's right to vote. We have made great strides forward over the history of our country in ensuring that everyone has the right to vote. I see this bill as another step in that progress moving forward. What we are ensuring is that you are who you say you are. We live in a time, in an age where identity fraud is rampant. We keep hearing over and over again about individuals who've had their identity stolen and all the problems they have run into because of that. Why is it so difficult to ask someone to please produce an identification card with their photo so we can make sure you are who you say you are?

We've heard some discussion today that there's some problems with this bill. I'm not sure about that. I went back and I read the bill, and I've, again, read a lot of the criticisms of the bill, and I believe a lot of that is addressed already into the bill. But, I am dedicated to getting a voter ID bill passed in the State of New Hampshire, and I will be working with our clerks who came forward with the comments to ensure that we can pass one, and I will be bringing in a bill. Thank you very much, Mister President.

(The Chair recognized Sen. Houde for a question of Sen. Carson.)

SENATOR HOUDE: Thank you, Mister President. Thank you, Senator Carson. I just had a question for clarification. My understanding – and I'm looking at page three of the bill, Section 659:13-II, (c): "The identification was issued by the United States or the state of New Hampshire, or is a valid state driver's license." So, when you say – there is a question, Mister President. When you say that it's not asking too much to present

a photo ID, it's not really any photo ID, is it though? Because a private institution that is in the State of New Hampshire couldn't issue a valid ID for voting purposes.

SENATOR CARSON: Correct; it has to be a State or government-issued ID. (The Chair recognized Sen. Houde for a follow-up question of Sen. Carson.)

SENATOR HOUDE: So, what's the justification for University of New Hampshire being able to issue an ID that students can vote with but not Dartmouth College?

SENATOR CARSON: As we know, Dartmouth is a private college; it is not a State-run college. So, any identification card that's issued by a university would meet that standard of being a State of New Hampshire-issued ID; it's coming from a State institution.

(The Chair recognized Sen. Houde for a follow-up question of Sen. Carson.)

SENATOR HOUDE: If I may, Senator. I appreciate the answer to that question, but I don't understand the justification for that.

SENATOR CARSON: I can't answer that question. I really didn't see a problem with that because it was specified through the House that they wanted some sort of governmental or State-issued identification card. And so, that would cover our state universities but not the private institutions.

SENATOR HOUDE: Thank you.

SENATOR CARSON: You're welcome.

The question is, notwithstanding the Governor's Veto, shall SB 129 become law?

A roll call is required.

The following Senators voted Yes: Groen, Luther, Lambert, Carson, Barnes, Rausch, Morse.

The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Houde, Sanborn, Odell, White, Kelly, Larsen, Boutin, De Blois, D'Allesandro, Merrill, Prescott, Stiles, Bragdon.

Yeas: 7 - Nays: 17

Veto sustained lacking necessary 2/3 vote.

Governor Lynch's Veto Message Regarding SB 154

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 6, 2011, I vetoed SB154, repealing New Hampshire's participation in the Regional Greenhouse Gas Initiative.

RGGI was created as a bipartisan initiative in New Hampshire, and across the Northeast, to address shared economic and environmental concerns. Here in New Hampshire, Republicans, Democrats and Independents worked together to develop a two-part strategy: help families and businesses reduce their energy use through RGGI and increase our supplies of homegrown renewable energy through the Renewable Portfolio Standard.

I am vetoing this legislation because it will cost our citizens jobs, both now and into the future, hinder our economic recovery, and damage our state's long-term economic competitiveness.

According to an independent assessment of the program conducted by the University of New Hampshire, the cumulative impact of the initia-

tive through the end of 2010 has been a net benefit of over \$16 million in allowance revenue. These are funds that have been invested directly in helping New Hampshire families, businesses and local governments become more energy efficient, reduce costs, and create jobs.

This bill would have ended those energy efficiency efforts – eliminating jobs today and eliminating efforts to help businesses and families cut their energy use. Given that energy is a major cost factor for businesses, ending our energy efficiency programs would also hurt our efforts to bring new companies and jobs to New Hampshire.

In addition, because New Hampshire is part of a regional electricity system, if this legislation were to become law, New Hampshire ratepayers would continue to pay part of the cost of the Regional Greenhouse Gas Initiative, but would no longer receive any benefit from the allowance auction revenue. SB 154 would effectively cause New Hampshire ratepayers to pay higher electric rates to subsidize efforts to reduce energy costs in other states.

RGGI continues to have bipartisan support today because it is helping to reduce our dependence on foreign oil, creating jobs, and helping our businesses save money and become more competitive. I believe that we should continue that progress. Therefore, I am vetoing this legislation.

As originally drafted, this legislation also contained important changes to New Hampshire's Comprehensive Shoreland Protection Law. These changes, which enjoyed widespread support among stakeholders and bipartisan support in the legislature, were ultimately included in HB 2 and have already become law.

Respectfully submitted,
John H. Lynch
Governor

Date: July 6, 2011

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, again, Mister President. I am the sponsor of Senate Bill 154. Senate Bill 154, I think as we all recall, started out as a rewrite to the Comprehensive Shoreland Protection Act, something that this body and former Senator Fuller Clark had worked on for a number of years with success but needed some tweaks. The Senate passed it; the House actually improved it. But, at the last minute, the RGGI repeal, which we fully debated, was attached to it. The Shoreland Protection provisions were also put into HB 2, thankfully, and it was a bipartisan bill and I thank all of my colleagues for that, again.

So, what we're left with, in essence, is a debate – hopefully the last one – about RGGI. I would urge my colleagues, given the questions that were raised about where the money goes, the questions about whether it's the most effective use of the money that's raised, and the questions about the market validity of carbon trading at this point in time in our country, given that our efforts at of reform of this program were not successful, I would ask my colleagues to vote yes and override the Governor's veto. Thank you.

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. We did have a lot of discussion on RGGI this year. And, I for one will be pleased if we follow the Governor's wisdom on this issue and uphold his veto of 154. At the same time, I will say that I believe the detailed discussions we had this year were useful. I think the concerns about RGGI were aired; suggestions were made about future administration of the program, and at the

same time, many a testifier reminded us of the benefits, the value of the program, describing those kinds of programs that did benefit from the \$32 million in RGGI funding that have helped municipalities, homeowners, and New Hampshire businesses to save money and energy. So, I urge my colleagues to support the veto of Senate Bill 154. Thank you.

(The Chair recognized Sen. Luther.)

SENATOR LUTHER: Thank you, Mister President. I want to make a couple points. One is, I know a lot of us are probably parents, and what I've learned as a parent is to incent your children – positive incentive – works – in my experience, anyway – much better than negative incentive. Cap and trade is a negative incentive program. And, if you look at the markets, they are busted. The RGGI credits that are being bought and sold right now are almost worthless. The auctions, the last two auctions were a terrible failure. In Nashua, Jack Tulley, one of the car dealers, he was approached by retailers in Greater Nashua to sell RGGI credits. They're trying to get rid of them because they're almost worthless. His advice to dealers is: "Run, and don't let them sell those to you." Markets are showing that this program does not work. And, we had had some discussion, I know, over email, with some folks: What is a primary and secondary market? The stock market is a secondary market. And, if a company cannot get stock out there and trade a value, then what's called IPO's – initial public offerings – are a failure and companies are not able to raise new capital. And, what's happening is the markets are saying: "This is a program that doesn't work." And so, I would encourage my colleagues to vote to override the Governor's veto. Thank you, Mister President.

The question is, notwithstanding the Governor's Veto, shall SB 154 become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, White, Luther, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott.

The following Senators voted No: Houde, Odell, Kelly, Lambert, Larsen, D'Allesandro, Merrill, Stiles, Bragdon.

Yeas: 15 - Nays: 9

Veto sustained lacking necessary 2/3 vote.

Sen. Bradley asserts Rule 2-15 on SB 154.

INTRODUCTION OF A SENATE BILL

Sen. Bradley moved to introduce SB 198 and RESOLVED, that in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered Senate Bill 198 shall be by this Resolution read a first and second time by the therein listed title.

Adopted.

First and Second Reading and Referral

11-1115

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF). (Morse, Dist. 22)

Sen. Morse moved Ought to Pass.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Thank you, Mister President. And, I move Senate Bill 198 Ought to Pass. The Department of Health and Human Services approached the Governor and the Legislature with an oversight that took place in the budget. The necessary language to achieve the savings to two programs in Health and Human Services was omitted in House Bill 2. Reductions were made as part of the Governor's budget in House Bill 1, but the corresponding statute changes were omitted in House Bill 2 following the House phase and the Senate phase. Without passing the legislation before you today, the Department of Health and Human Services will be unable to realize \$8.3 million in savings for the fiscal year. Please support the motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to oppose Senate Bill 198. I understand, and having been in leadership I understand having been on Finance – I understand the need to balance the budget. But, I think Senate Bill 198 exemplifies the problems we had with the budget.

Senate Bill 198 points out a very small feature that adds up to a lot of dollars: \$8 million. But, it shows through its example that this budget was balanced on those least able to pay, that in fact we need to go in and tell people who are in TANF households that they have to live on less; they have to live, in some cases, on \$1,380 a year less. There are 491 families who are going to be affected by this, and 103 of them are going to lose \$1,380 a year, and the remaining 266 are going to lose \$960 a year. You are going to have families – perhaps a single mom who is also receiving SSI, who is now going to see her cash assistance lowered because she's in fact disabled. It means that if you have an elderly parent living with you, or you might be an elderly parent yourself – maybe a 65-year-old father living with his younger children; perhaps you're disabled. You are going to lose assistance and the value of your assistance either under SSI or the aid to the permanently and totally disabled or the old age assistance grants are going to lower your TANF grant.

I understand the need to balance the budget. But, I hate to see...And, this just shines a bright light on a very small but significant sector of our society that very much needs assistance that will lose additional money, and we will be asking them to live on less in a time when jobs are harder to come by, when disability makes it more difficult to find a job, and you're trying to support your children. So, I think it just is a highlight of what was a problem in the budget; we balanced this budget on those with the least ability to pay. And, there were many ways we could have done it differently; we chose – as a majority – we have chosen not to do this. But, Senate Bill 198 is, I think, an example of where those problems are and how I think this state can do better in the future. Thank you, Mister President.

(The Chair recognized Sen. Morse.)

SENATOR MORSE: Mister President, I want to point out there were challenges in the budget. But, the challenges started at the Governor. I mean, he had a tough time building the budget. But, this request came to you for the Senate to introduce this legislation making technical changes

today. Then, what I did, when this request came to you originally – not in the last day – what I did was I contacted the Department to make sure that the public had been notified properly during the budget phase before I supported this legislation – which was not how it was presented to me, quite honestly. But, in doing so, I received a notification from the Department that goes from the phase that Terry Smith, the Director of this department, not only went to the public with this right after the Governor's Address, but all the way through the House's phase and the Senate's phase, he made it clear to all those groups that were involved in the State of New Hampshire where this was. The fact that this isn't in the budget is certainly a technical issue, or I wouldn't have supported it. The public understands we had to make tough decisions; it was vetted during the phases of all the budgets, and the Governor himself made a tough choice; it wasn't just the majority party. I ask you to support this; it's very important to the budget phase.

(The Chair recognized Sen. Sanborn for a question of Sen. Morse.)

SENATOR SANBORN: Thank you so much, Senator Morse. Just for clarification, to be sure: You're suggesting that the Governor himself has requested that this has to happen and that he had put it in his first budget?

SENATOR MORSE: Yes. And, the reality is, he gave the Senate President a letter saying that. I think we're all in this boat together. These are tough times in the State of New Hampshire; the Governor realizes that, and he wrote a letter that says that. It needs to be done; it's truly a technical correction that we all need to live up to.

SENATOR SANBORN: Thank you, sir.

The question is on the adoption of the motion of Ought to Pass. A roll call was requested by Sen. White, seconded by Sen. Sanborn.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

Third Reading and Final Passage

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF).

LIST OF RULE 2-15'S FOR THE DAY

Sen. Bradley: SB 154.

Sen. Prescott: SB 91.

ANNOUNCEMENTS**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of sending and receiving messages, processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

Recess.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

HB 542-FN, relative to exceptions for objectionable material in public school courses.

CLERK'S NOTE

On November 30, 2011, the House of Representatives adopted the motion of Reconsideration on the vote to sustain the Governor's veto on HB 542-FN.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

CACR 14, Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following vetoed Bill sent from the Senate:

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

SB 57, relative to regulation of title loan lenders.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

SB 88, relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

SB 91, relative to automatic fire suppression sprinklers.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

HB 218, relative to the New Hampshire rail transit authority.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

HB 474-FN, relative to freedom of choice on whether to join a labor union.

HOUSE MESSAGE

The following entitled Bills sent down from the Senate died on the table at the conclusion of the 1st year of the 2011-2012 legislative session:

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

HOUSE MESSAGE

The 1st year Session of the 162nd General Court, for the New Hampshire House of Representatives stands adjourned.

November 30, 2011

Out of recess.

Sens. Boutin and Rausch are excused from today's session.

AMENDMENT TO SENATE RULES

Sen. Bradley moved to amend the Senate Rules.

Amendment to Senate Rule 8-1

Amend Senate Rule 8-1 by inserting after (d) the following:

8-1 Deadlines.

(e) Thursday, March 15, 2012 - Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).

(f) Thursday, March 29, 2012 – Last Day to ACT on all Senate bills.
CROSSOVER

(g) Thursday, May 03, 2012 - Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).

(h) Thursday, May 17, 2012 - Last Day to ACT on all House bills.

(i) Thursday, May 24, 2012 - Last Day to FORM Committees of Conference.

(j) Thursday, May 31, 2012 - Last Day to SIGN Committee of Conference Reports.

(k) Thursday, June 7, 2012 - Last Day to ACT on Committee of Conference Reports.

The question is on the motion to amend Senate Rule 8-1. Adopted by necessary 2/3 vote.

The Clerk read the following House Message:

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF).

Sen. Morse moves concurrence.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise to oppose Senate Bill 198, and so I therefore oppose concurrence in it as it comes back from the House. The original language of Senate Bill 198 included language which in fact goes after those most needy in our communities. It reduces even further the amount of allowable income that's disregarded when calculating aid through the Temporary Assistance to Needy Families income household. So, it not only reduces aid to those most needy in our communities: a family that might have someone with a disability – it now no longer will ignore their income. It means that those who have perhaps taken in someone who's receiving SSI or state assistant – supplemental assistance – will see their household incomes further reduced, and I think it's the wrong families to go after, the wrong places to seek ways to balance our budget. I realize Senate Bill 198 is a correction to a mistake that was in the budget, but it is still one which I think goes after the wrong places for finding funds.

Secondly, the House then added language that addresses marital masters. And, we have seen over the years...I know there are those who are perhaps angry at marital masters and decisions that have been made about their families. But, in the long run, I think the proof will be shown that the marital masters save court time, save costs in our courts, enabled a marital master to understand a family better than a judge who was getting a case at the last minute and trying to review the needs of that family and the needs of those children. So, the marital masters had better insight into families as they're dissolving, and I think were better for children and for families, and it saves state money. So, the continued effort by the House to attack marital masters is, I think, a mistaken one, both in terms of costs and in terms of the social consequences to our families here in the state. So, for that reason I rise to oppose Senate Bill 198 and oppose concurrence to that. Thank you, Mister President.

The question is on the motion of concurrence.

A roll call was requested by Sen. Houde, seconded by Sen. Larsen.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Barnes, De Blois, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 17 - Nays: 5

Adopted.

The Clerk read the following House Message:

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill:

HB 542-FN, relative to exceptions for objectionable material in public school courses.

Without objection, the Clerk shall read the title of the Veto Message only.

Governor's Veto Message Regarding HB 542

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed HB 542, an act relative to exceptions for objectionable material in public school courses.

I am vetoing this legislation because it does not clearly define what material would be objectionable; it would be disruptive to classrooms and other students; and it would be difficult for school districts to administer.

Current law already allows for parents to remove their children from classrooms for particular lessons on health or sex education. Given the strong moral and religious issues inherent in those subjects, that is appropriate. But this legislation goes far beyond that. HB 542 would allow a parent to determine any course material is "objectionable" and require school districts to work with parents to develop an alternative. This legislation in essence gives every individual parent of every student in a classroom a veto over every single lesson plan developed by a teacher.

For example, under this bill, parents could object to a teacher's plan to teach the history of France or the history of the civil or women's rights movements. Under this bill, a parent could find "objectionable" how a teacher instructs on the basics of algebra. In each of those cases, the school district would have to develop an alternative educational plan for the student. Even though the law requires the parents to pay the cost of alternative, the school district will still have to bear the burden of helping develop and approve the alternative. Classrooms will be disrupted by students coming and going, and lacking shared knowledge.

Just as important, this legislation will fundamentally damage educational quality. Much of the genesis behind this legislation is objections to certain books that have been used in lessons. This is a perennial debate, and teachers and schools have a responsibility to ensure they are using age-appropriate, school-appropriate materials in their classrooms.

The intrinsic value of education is exposing students to new ideas and critical thinking. This legislation encourages teachers to go the lowest common denominator in selecting material, in order to avoid "objections" and the disruption it may cause their classrooms.

Because it is unclear what educational material or programs would be objectionable and the quality of education in the classroom could be impacted, I am vetoing this bill.

Respectfully submitted,
John H. Lynch
Governor

Date: July 13, 2011

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Thank you, Mister President. I do rise to oppose the concurrence on House Bill 542. I think this legislation is truly overreaching and would result in complete chaos in our school districts, as well as in our classrooms. We now have a system in New Hampshire that sets curriculum; it does so in a very collaborative and transparent manner, and it sets standards that provide a quality of education for all of our children that we can rely on. As well, current law today allows parents to remove their children from the classroom for particular classes that teach health and sex education, so there are exceptions. I urge my colleagues to oppose this concurrence because of this overreach creating chaos, and it certainly would not be in the best interest of our parents and our schoolchildren. Thank you.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. I urge my colleagues to support the override of this veto. House Bill 542 is a simple bill that just allows parents to opt out of objectionable material. But, they do have to still, with any replacement, they still have to obey city curriculum requirements and the school has to agree to the changes. So, it's a good balance between parental rights and yet keeping authority in the classroom and controlling the curriculum. Also, the replacement has to be paid for by the parents at their expense, so we don't violate Article 28-a. Although there are some ability right now to remove kids from classrooms, it's for a very narrowly focused set of classes and it's also for religious reasons only, whereas people may have a moral objection to material, but that's not covered in current statute. So, I think this is a very important bill to pass. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, many of us have served on local school boards for extended periods of time, and I think one can analyze this as a result of that kind of service and say: 'Gee, this is going to put a tremendous burden on the institution.' But, I think the most egregious part of this bill is this: that the name of the parent or legal guardian or any specified reason disclosed to school officials for the objection to the material should not be made public information and shall be excluded for access under RSA 91-A. So, this exclusion exempts that person from the Right-to-Know law. I can remember when we put the Right-to-Know law in place; we called it "the sunshine law", and we designed our law after the sunshine laws that were created in Florida, and it was because of openness and transparency. This is not open and transparent if you can exclude that individual from the Right-to-Know law. Now, as both of us know, Mister President, most school board meetings are public sessions, and when we discuss curriculum and when we discuss objections to curriculum, it's usually brought out in a public session. This particular note in this particular piece of legislation excludes the public session and it excludes openness.

It seems to me, if you have opposition, you ought to be able to state it and it should be public; it shouldn't be private. They are public schools, or they're public charter schools, and public openness...They're paid for with public funds. Why should anything be exempt from the Right-to-Know law? Thank you, Mister President.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. Essentially what this does is it ensures that every school district will have a policy in place so that when there is an objection...Now, many school districts currently have that, but we don't have that many people that object to materials. This ensures that there is a standard policy that all people are treated the same, and I would encourage you to do that, because those decisions are made at the local level of how that will happen.

(The Chair recognized Sen. Odell for a question of Sen. Stiles.)

SENATOR ODELL: When you talk about a policy at the school level, at the district level, would this be similar to a policy such as we have on bullying, where we require schools to have a policy on bullying? Is this bill really about a policy rather than action?

SENATOR STILES: Actually, yes it is. It's to have a standard policy so that all people are treated the same, so if you come in to object to materials that I'm providing, you're treated the same as this individual. It's so there's a standard policy. It's a practice.

(The Chair recognized Sen. Odell for a follow-up question of Sen. Stiles.)

SENATOR ODELL: Thank you, Mister President. Just so I understand this: We're not expanding the options for parents, we're basically saying a school has to treat everyone who has an objection equally based upon a written policy.

SENATOR STILES: Thank you for the question, and yes, that's correct.

SENATOR ODELL: Thank you.

(The Chair recognized Sen. Forsythe.)

SENATOR FORSYTHE: Thank you, Mister President. Sorry about that. But, I just wanted to respond to the Article 91-A objections. It's the name of the parent and the specific reason that are not subject to Right-to-Know, not the material that somebody's objected to – just to clarify that. And, there are numerous exceptions in the Right-to-Know laws for privacy concerns dealing with personnel – we go into nonpublic sessions all the time. This is just recognizing the privacy rights of the individual. Thank you, Mister President.

The question is, notwithstanding the Governor's Veto, shall HB 542-FN become law?

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Barnes, De Blois, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 17- Nays: 5

Veto overridden by necessary 2/3 vote.

The Clerk read the following House Message:

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 652-FN, establishing a commission relative to Medicaid managed care.

HB 654-FN-L, relative to credit for retirement system employer contribution overpayments.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.

HB 656, relative to boundaries of wards.

SUSPENSION OF SENATE RULES

Sen. Bradley moved to suspend all rules necessary to allow the consideration of House Bills 652, 654, 655, and 656, and further allow them to be reported out of policy committee in the 2012 Senate Session by the adopted Senate deadline for House bills.

The question is on the motion to suspend the rules.

PARLIAMENTARY INQUIRY

(The Chair recognized Sen. Houde for a parliamentary inquiry.)

SENATOR HOUDE: Thank you, Mister President. Question for the Chair, or Senator Bradley, who moved that, which is: Just for clarification purposes, the message asked for concurrence and passage, but you had just indicated that this was for the purposes of being assigned to a committee. I assume it's the latter, but I'd like to confirm that for the record.

PRESIDENT BRAGDON: Yes. The Senate got a message from the House asking us to go along with them, but we are going to treat them as regular bills and assign them to committees in the normal fashion.

SENATOR HOUDE: Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I rise to actually oppose the precedent that this series of bills offers to the Senate. I think we have to be careful as Senators what kind of precedent we're setting for future sessions as well as our own. This series of bills was passed in what I think everyone would recognize as kind of unconventional, random, fall legislative sessions held by the House. There were oftentimes bills, and this series of bills, which didn't, in my mind, warrant the suspension of rules to discuss some of these topics, and certainly this... Other times we've had special sessions in the fall – we've followed our rules but we've had a special session to deal with important emergency issues. For example, we had a special session on low-income energy assistance so that we could make sure the people in this state were warm during the winter. So, we passed a bill, but it was during a special session. We've had other bills in special session that had to do with emergency topics: flooding, for example. We had, in a special session, to deal with the terrible issues of flooding in Alstead. But, to randomly pass bills throughout... suspend their own rules – I'm criticizing the House process – suspend their own rules for things that are nonemergency, for these bills which could have been introduced as bills in the January session, to me makes no sense; it sets bad precedence; it makes our sessions unreliable, unpredictable, and I think the best thing we can do for public policy is to be a body that's predictable,

transparent, understandable. The House has not been acting in that method, and that's why I rise to object to these bills that could have been introduced as House bills during this session. So, I will be voting 'no'. I understand that we will not be talking about the topics contained within, but there are significant issues – certainly the ones relating to the retirement bills and the question of whether the retirement bill in House Bill 654 is constitutional. So, not only are we suspending rules and setting a bad precedent, but we're probably suspending rules to consider a bill that's unconstitutional, and I have letters from the retirement system and their lawyer indicating such, as the Senate President received similar language from them. So, I think it's a bad precedent; I think we ought to all vote 'no' and tell the House to go back and draft some bills for this session. Thank you.

PRESIDENT BRAGDON: Thank you, Senator Larsen. I will point out that this is a suspension of the rules; it will require a two-thirds vote.

(The Chair recognized Sen. Barnes for a question of Sen. Larsen.)

SENATOR BARNES: Senator, I heard loud and clear what you had to say, and I don't disagree with some of what you had to say. But, would you believe that I believe that these five bills are going to be coming to a Senate committee and all of us will be sitting on some of those bills, and that this Senate, as we always do, will have public hearings on them – the public will not be in the shadows like perhaps you perceived happened over in the House; that's not going to happen in the Senate – the public's going to come in and they're going to have their say and we're going to listen, and it's going to come back to this floor for us to vote on.

SENATOR LARSEN: I believe you believe that. I'd like to see us be an august body that sends a message to the House that they ought to follow their own rules a little more closely, and that's the message I'd like to send to them.

(The Chair recognized Sen. Barnes for a follow-up question of Sen. Larsen.)

SENATOR BARNES: I couldn't agree with you more. However...I have a 'however' here. I don't think here in January we should be fighting with those dudes over there, because we're going to have plenty of that as we go through the session. You've been here a long time – you're so young I don't know how you've been here so long, but you've been here a long time, and you know as well as I know that we don't like to pick on each other's bodies. Let them do their business and let the people decide what kind of a job they're doing and let the people decide what kind of a job this Senate is doing. We have redistricting coming up, Senator, and we don't need to be telling the House how they should do their redistricting. It's been a gentlemen and a ladies' – used to be just gentlemen but I put ladies on there; I noticed that – agreement that we don't mess with their bills and we don't mess with ours. So, I don't think we really should be trying to send the House a message. I think the Speaker of the House is a smart fellow, and I think he's probably listening to this, or will listen to it, and he understands that some things they do over there, maybe some of us don't like. But, for gosh sakes, let's move on. And, for the record, I'm going to vote for this.

SENATOR LARSEN: Was that a question?

SENATOR BARNES: Would you believe?

SENATOR LARSEN: I would believe that's how you believe, and I would continue to argue that it stands to be a bad precedent which could lead

into future sessions having similar issues. So, sometimes courtesy...The idea of setting precedent and standing by the right steps take precedence over courtesy. So, I would end with that, Mister Senator from the District 17, and I think we ought to end our conversation with that I agree to disagree with you on this.

SENATOR BARNES: Happy New Year.

SENATOR LARSEN: Happy New Year to you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I couldn't possibly be more eloquent than my friend from District 17, Senator Barnes, so I'll conclude.

(The Chair recognized Sen. White.)

SENATOR WHITE: Mister President, I will rise in support of Senator Larsen's remarks. I do think the process is important, although I will say I disagree with your last sentence: I don't think we should be weighing the merit of the bills or the constitutionality, but I do support everything else you said about process and will be voting against this.

The question is on the motion to suspend the rules.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Bradley, Forsythe, Groen, Sanborn, Odell, Luther, Lambert, Carson, Barnes, De Blois, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Forrester, Houde, White, Kelly, Larsen, D'Allesandro.

Yeas: 16 - Nays: 6

Adopted by necessary 2/3 vote.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 652-FN, establishing a commission relative to Medicaid managed care. (Finance)

HB 654-FN-L, relative to credit for retirement system employer contribution overpayments. (Executive Departments and Administration)

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center. (Public and Municipal Affairs)

HB 656, relative to boundaries of wards. (Internal Affairs)

RESOLUTION

Senator Bradley moved that all bills Laid on the Table be by this resolution made Inexpedient to Legislate.

SB 14-FN, relative to the brandishing of a firearm.

SB 24-FN-L, exempting the Unity school district from the moratorium on school building aid.

SB 61, relative to capital appropriations to the liquor commission.

SB 103, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government.

SB 114, prohibiting assessing teacher performance based solely on assessment scores.

SB 126-FN, relative to net operating loss carryovers under the business profits tax.

SB 136-FN, relative to games of chance.

SB 164, relative to the personal needs allowance of residents of nursing homes.

SB 165-FN, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax.

SB 178, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning.

HB 36-FN-L, reducing the fee for copies of birth certificates.

HB 42, relative to the appropriate officials with whom to file for a primary.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 113, prohibiting the use of state funds for New Hampshire public television.

HB 156-FN-A, reducing the rates of the tobacco tax.

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

HB 305, relative to the homestead right.

HB 335-FN-A, establishing multi-use number plates.

HB 341, relative to local spending caps.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

HB 451-FN, relative to prerecorded political messages.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

HB 617, repealing the prohibitions on Sunday business activities.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

Adopted.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess for the purposes of sending and receiving messages, processing enrolled bill reports and amendments, after which the 2011 Senate Session will stand adjourned.

Adopted. The Senate is in recess.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF) and relative to marital master contracts.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

The 2011 Senate Session is adjourned.

SENATE JOURNAL

SUBJECT INDEX

The index on the pages immediately following refers to bills and resolutions by number. Some of the subjects are in amendments rather than original bills. Other subject matter is referenced to page numbers. The numerical index following this index gives page reference to all amendments and action on numbered bills and resolutions.

A

Abortion

- family planning appropriations not used to fundHB 2am
- minors, parental notification required; emergency exception or judicial authorization; penaltiesHB 329

- Abuse of office**, official oppression, official acting without purpose to benefit himself or another added; penalties amendedHB 572

- Accidents**, county, town, or city owned motor vehicles subject to right to know lawHB 347

- Accountancy board**, administrative functions transferred to joint boardHB 2

- ACS State Healthcare**, LLC, to bear the cost of the evaluation and report of the Medicaid management information system (MMIS) implementation projectHB 2am

Actions and proceedings

- brought by private person for false claims for payment of Medicaid public assistance; criteria clarifiedSB 139
- civil, offer of judgment, rejection may result in requirement to pay all costs and attorney feesHB 254
- civil, school personnel using reasonable force against a pupil, complete defense to any civil actionHB 375
- consumer protection act, right to jury trial, exceptionSB 134
- damages caused by dogs, municipal liability limitedHB 532
- medical malpractice, definition of unanticipated outcome; expression of apology or fault not evidence of admission of liabilitySB 17
- medical malpractice, panel and insurance oversight committee reestablishedSB 12
- medical malpractice, screening panels, member qualifications, same impartiality as jurors requiredHB 51
- personal identity, right to control commercial useSB 175
- Social Security numbers, misuse, civil cause of action against various persons; treble damagesHB 158
- towns and private landowners immune from civil liability for injury in voluntary maintenance, repair or preservation of burial groundsHB 358

- Adjutant general**, capital improvements appropriation; lapse dates extendedHB 25

Administrative office of the courts. See: Supreme court

Administrative procedure

- joint legislative committee on administrative rules, objection to medicine board of registration rules regarding disclosure of confidential informationHJR 4
- joint legislative committee on administrative rules, objection to mental health practice board rules on misconduct investigation, implementation prohibitedHJR 3
- joint legislative committee on administrative rules, waiver required for missing deadline for actionHB 211
- rulemaking requirements, exemption, boat operating restrictions on certain watersHB 116
- rules, environmental services, waste management, underground storage facilities, permanent closure, waiver for certain systemsSB 87
- state agency rules, amount of fees must be specifiedHB 2am
- state agency rules, forms, non expiring provision removedHB 43

Administrative procedure (cont.)

- state agency rules, procedures amended generally; rules extended to
10 years; Internet content, incorporation by reference SB 161
- state agency rules, proposed, procedure for legislative policy committees
to review and comment HB 211

Administrative services

- appropriation extended for retaining independent real estate and financial
consultants for sale or lease of state lands and assets HB 2
- capital improvements appropriation, highway fund HB 25
- capital improvements appropriation; lapse dates extended HB 25
- collection of health insurance payments from state employees retired and
under age 65 SB 33
- commissioner, and health and human services commissioner, request for
information on feasibility of unifying public payers of health
care benefits in a single pharmacy benefits manager HB 642
- commissioner, authority to assign and reassign personnel broadened SB 81am
- commissioner, consolidation of human resources, payroll functions,
and business processing functions within state government
authorized; savings required; employment of consultant;
appropriation HB 2
- commissioner, consolidation of state agency human resources
functions, plan SB 103
- commissioner, Laconia state school property, sale to the city of Laconia,
Belknap county, or other parties; appropriation for land
preparation and consultants; proceeds to revenue stabilization
reserve account HB 2am
- commissioner, request for proposals by vendors for provision of
correctional services HB 2am
- commissioner, retirement system health care program, cost containment
plan and implementation HB 2am
- commissioner, salary, benefit, and payout costs of layoffs, payment from
various funds and accounts, transfer of funds HB 2am
- commissioner, state contributions to cover retirement costs to local
government employees, payments HB 2am
- commissioner to develop proposal for state employee health savings or
other tax-advantaged accounts SB 143
- commissioner, transfer of funds within and among accounts authorized HB 2am
- corrections department 2009 capital improvements appropriation for
stormwater/sewer system transferred to HB 25am
- court facility financing, negotiations and approvals transferred from
administrative office of the courts SB 65
- payroll and financial systems accounts, health and human services
commissioner to report on personnel transferred or reassigned HB 2
- public works bureau, timeline or schedule for capital improvement
projects submitted to overview committee within 90 days HB 91
- quarterly reports from state agencies on capital improvement projects;
format; summarized report to capital budget overview committee HB 91
- state government telecommunications services transferred to safety
department HB 2am
- superior court center, lease of rental space, cost and space limitations set HB 2am
- to invoice and collect payment for general court members of the state
employee health insurance plan SB 152
- unclassified, non-classified, or classified positions at labor grade 30 or
above, 5% eliminated HB 2am
- Adoption**, subsidies for hard-to-place children repealed HB 2am
- Advanced manufacturing education advisory council**, membership
amended SB 112
- Advertising**
 - alcoholic beverages, restrictions modified; towns may vote to
prohibit exterior signs promoting sales at reduced prices SB 120

Advertising (cont.)

- political. See: Elections, political advertisingHB 186
- real estate brokers, use of limited electronic media such as twitter or
text messages regulatedHB 47am

Aeronautical fund

- establishedHB 72
- established; donations accepted; disposition of revenue; reports requiredHB 2am

Aeronautics, aviation fees, plan for collection to be transferred from
transportation department to safety department

.....HB 2am

Afghanistan and Iraq Wars, NH soldiers killed, Corporal Timothy

- Gibson, U.S.M.C. Memorial Bridge in Merrimack namedHB 525

Aging, state committee, membership and duties clarifiedHB 364**Agriculture**

- markets, and food, commissioner, authority to set fees for testing
and licensing of weighing devices repealed; fee schedule set
by statuteSB 157
- markets, and food, commissioner, weights and measures, annual report
on consumer complaints, inspections, and auditsSB 157
- markets, and food, meat inspection program, fund and fees establishedHB 339
- markets, and food, pets, sale or transfer, license fee reducedHB 2am
- markets, and food, state veterinarian, salary amendedHB 2am
- operations, preservation a purpose of zoningSB 104

Air pollution

- control facilities, tax exemptions repealedSB 131
- motor vehicle emissions, idle reduction technology to reduce, trucks
allowed additional weightHB 117
- regional greenhouse gas initiative, cap and trade program for
carbon dioxide emissions repealed; use of funds clarifiedSB 154
- regional greenhouse gas initiative, cap and trade program for carbon
dioxide emissions repealed; use of funds clarifiedHB 2am
- regional greenhouse gas initiative, cap and trade program for
carbon dioxide emissions repealed; use of funds clarifiedHB 519

Airports

- aeronautical fund established; donations accepted; disposition of revenue;
reports requiredHB 2am
- maintenance and capital improvements, aeronautical fund establishedHB 72
- property rooms, unclaimed and abandoned property, dispositionHB 2am
- Skyhaven, property leased or occupied by a person other than
Pease development authority exempt from municipal property
tax; conditionsHB 2am

Airport security, advanced imaging technology and pat-down searches,
US Congress and President to address concerns

.....HCR 9

Alcohol abuse, prevention and treatment fund, revenues from sales of
liquor, payment to the fund suspended

.....HB 2

Alcohol and drug abuse, prevention and treatment fund, governor's
commission, 2009 operating budget note deleted; appropriation
lapsed

.....HB 2am

Alcohol and drug services bureau of health and human services merged
into behavioral health bureau

.....HB 2am

Alcoholic beverages

- advertising restrictions modified; towns may vote to prohibit exterior
signs promoting sales at reduced prices.....SB 120
- driving while intoxicated. See: Motor vehicles, DWI
- malt, licenses, nano breweries, feeHB 262
- sale or possession by minors under age 21, denial or revocation of driver's
license, procedures clarifiedSB 31
- state stores, capital improvements appropriation, 2009, amended to permit
improvements to existing storesSB 61

Alcoholic beverages (cont.)

- state stores, temporary authorizedHB 2
- wine, manufacturers, participation in wine festivals; license, fees and
procedures; wine samples, purchase from liquor commission
not requiredHB 276

Aliens, drivers, motor vehicle liability insurance required SB 141

All terrain vehicles. See: Off highway recreational vehicles

Alzheimer's disease, and related disorders, program funding suspendedHB 2am

Ambulance, services, insurance payments may be directly to the providersHB 31

American Recovery and Reinvestment Act of 2009

- economic stimulus funds transferred to corrections department and
state treasury audit accountHB 2am

Medicaid quality incentive program, additional payment to nursing
facilitiesHB 2am

Andover, Depot Street reclassifiedHB 363

Animals

- pets, sale or transfer, license fee reducedHB 2am
- See also: Pets

**Antifreeze sales, aversive agents must be included to render it
unpalatable; penalties** SB 55

Antrim Girls Shelter, funding continuedHB 2am

**Appalachian Mountain Club, occupancy fee for sleeping accommodations;
fee to fish and game for search and rescue fund** SB 128

Apprenticeship advisory council, reinstatedHB 390

Appropriations

Budget, operating, 2012-2013HB 1

capital improvements, reduced if revenue is less than expectedHB 25

capital improvements, state agency projects, quarterly reports to
administrative services; format; summarized report to capital
budget overview committeeHB 91

capital improvements, 2009, improvements to existing state liquor
stores added SB 61

governor, line item veto of budget items CACR 5

operating budget

2012-2013HB 1

2012-2013, trailer billHB 2

fiscal year ending June 30, 2011, any surplus not deposited in revenue
stabilization reserve account, but to remain in general fundHB 2

general funds may not be used to fund public televisionHB 113am

state agencies required to submit a reduced spending level alternative SB 146

Aquatic weeds, exotic, and species committee, membership amendedHB 55

Architectural barrier-free design, committee reinstatedHB 390

Armed forces

military justice fines credited to national guard recruitment and
retention scholarship fund SB 140

NH resident killed in combat, provisions for flying US flag at half staff
providedHB 132

post-traumatic stress disorder and traumatic brain injuries, study SB 102

Assault

criminal threatening, person on his own property who displays a weapon
to warn away a trespasser has not committed a criminal actHB 378

criminal threatening, person who is anywhere he has a right to be
who brandishes a weapon to warn away a person making a
threat not guilty SB 14

**Assessing standards board, administrative and business processing
functions of equalization standards board transferred to**HB 2

Assessments , property tax, failure to file inventory blank or refusal to allow inspection of property, right to appeal tax not lost	HB 316am
Athlete agents , uniform act repealed	HB 136
Atomic energy , high-level radioactive waste act repealed	HB 2
Attorney general	
memorandum of understanding with health and human services and corrections commissioners to address issues regarding adults with developmental disabilities who may present a risk to the community; interdepartmental team	SB 51
required to join lawsuit challenging Patient Protection and Affordable Care Act (HB 89), supreme court opinion requested	SR 9
required to join lawsuit challenging Patient Protection and Affordable Care Act of 2009	HB 89
securities regulation authority clarified	SB 188
See also: Justice department	
should join lawsuit challenging the constitutionality of the Patient Protection and Affordable Care Act of 2009	SB 148
Attorneys	
assigned counsel in abused or neglected children cases, judicial council not liable for expenses; payments from mediation and arbitration fund	HB 2
outside counsel for the justice department must have business offices in NH	HB 2am
Audio recordings , of police officers in the course of their official duties permitted	HB 145
Autism , or pervasive developmental disorder, reference to S-CHIP added	HB 2am
Aviation fees , plan for collection to be transferred from transportation department to safety department	HB 2am

B

Bail and recognizance

defendant released pending trial, failure to appear, time set for forfeiture of property	SB 63am
list of professional bondsmen provided to jails and police stations by secretary of state, requirements; no other list to be displayed	SB 63

Ballot law commission eliminated; duties filled by secretary of state;

appeals to superior courts on expedited basis with no fee to appellant	HB 466
--	--------

Banks

department, commissioner, regulation of credit access reform and employment act; successor to payday loans	SB 160
department, commissioner, securities regulation authority clarified	SB 188
department, commissioner, transactions under jurisdiction, exemption from consumer protection act repealed	SB 186
department, insurance department, and securities regulation bureau of the secretary of state' office, improving communications and confidentiality, study	HB 102
fraud, financial, restitution fund for victims	SB 185
mortgage bankers and brokers, first mortgage, definition of loan originator amended	SB 189
mortgage bankers and brokers, non-depository first mortgage, licensing exemption for certain property owners	SB 28
mortgages, foreclosure process, study	SB 109
mortgages, short sales defined; foreclosure consultants exempted from regulation; disclosures required	SB 111
state infrastructure bank, revolving loan program to finance eligible transportation projects	SB 159

Barbers, unlicensed practice, penalty reduced; regulation does not apply to

services to family and friends for no compensation	HB 450
--	--------

Beer. See: Alcoholic beverages, malt

Behavioral health

- bureau of health and human services, contracts with Dartmouth Psychiatric Research Center or Behavioral Health Policy Institute prohibited HB 2am
- bureau of health and human services, drug and alcohol services bureau merged into HB 2am
- services, budget reductions, health and human services implementing and reporting requirements HB 2am

Behavioral Health Policy Institute, contract with health and human services behavioral health bureau prohibited HB 2am

Berlin

- state prison, (North Country facility) not to close HB 1am
- state prison, (North Country facility), not to close HB 2am

Bicycles, stop lights, red, 2-wheeled vehicles may proceed through an intersection after stopping SB 69

Billboards. See: Outdoor advertising

Bills and resolutions

- fiscal note to include performance standard note to identify standards and outcomes HB 520
- governor, line item veto of appropriation items CACR 5
- granting rulemaking authority to state agencies, amount of fees must be specified HB 2am
- taxes, or license fees, new or increased rate, 2/3 vote required; exception for bonded debt CACR 6

Bingo

- operation of games by private campgrounds and hotels without a license allowed SB 136
- operation of games by private campgrounds and hotels without a license allowed HB 348am
- or lucky 7, purposely, knowingly, or recklessly depriving a charitable organization or player of any prize, penalty HB 348am

bin Laden

- Osama, members of military and intelligence community who carried out the mission that killed him honored SR 10
- Osama, members of military and intelligence community who carried out the mission that killed him honored HCR 27

Birds, monk parakeets, possession and sale allowed HB 651

Births

- certificates, fee for copies reduced HB 36
- newborn screening advisory committee reinstated HB 390

Blind, aid to needy, person fleeing a state to avoid prosecution or custody, or violating parole or probation, ineligible to receive aid HB 2am

Blue laws, Sunday business activities, prohibitions repealed HB 617

Boards and commissions, reinstated or repealed HB 390

Boats

- for-hire vessels engaged in recreational saltwater fishing for persons taking finfish in coastal waters, requirements not to include guide license HB 570
- motor, safety education certificate requirement and minimum age for operation amended HB 548
- muffling devices, switchable, prohibition removed HB 441
- navigation safety fund, balance remaining at close of fiscal year lapsed to the general fund HB 2am
- operating restrictions on certain waters exempted from administrative procedure rulemaking requirements HB 116

Boats (*cont.*)

- safe boater certificate requirement, enforcement, secondary action if issued
 - a written warning, primary action if involved in an accidentHB 90
- speed limit, general limit of safe speed adopted; factors to consider;
 - penalties increased SB 27
- speed limit, on Lake Winnepesaukee increased in certain areas SB 27

Bonds

- revenue, capital improvements appropriationHB 25
- revenue, kindergarten construction programHB 2am
- revenue, municipal, for energy efficiency and clean energy districtsHB 144am
- surety, gambling, game operators, license amount increased SB 136
- surety, gambling, game operators, license amount increasedHB 348am
- surety, highway excavation and restoration, requirement for vehicles to
 - be equitably and reasonably applied SB 104
- surety, manufactured housing installers, employer may pay SB 116
- surety, trustees of estates, applicability of requirement SB 50

Bone marrow transplants, testing, insurance coverage clarified; testing

- facility shall not bill the covered personHB 31am

Bradford, Midway Shelter, funding continuedHB 2am

Brain disorders, acquired, persons who may present a risk to the

- community, inter-departmental team to address issues SB 51

Brain injuries

- armed forces, study SB 102
- youth sports concussions and other concussions received while at
 - school, study SB 95

Breath analyzer machines, advisory committee reinstatedHB 390

Bridges

- Maine-NH interstate bridge authority repeal repealedHB 2
- named, Corporal Timothy Gibson, U.S.M.C. Memorial Bridge in Merrimack ...HB 525

Budget

- capital improvements, reduced if revenue is less than expectedHB 25
- capital improvements, state agency projects, quarterly reports to
 - administrative services; format; summarized report to capital
 - budget overview committeeHB 91
- capital improvements, 2009, improvements to existing state liquor stores
 - added SB 61
- operating, fiscal year ending June 30, 2011, any surplus not deposited
 - in revenue stabilization reserve account, but to remain in
 - general fundHB 2
- operating, general funds may not be used to fund public televisionHB 113am
- operating, state agencies required to submit a reduced spending level
 - alternative SB 146
- operating, 2012-2013, trailer billHB 2

Budgets, municipal, tax cap provision may be included SB 2

Buildings

- destroyed by fire or acts of nature, qualifying structures under
 - community revitalization tax relief incentive SB 97
- existing, substantial rehabilitation, state fire code applicable SB 110
- residential, one or two family, automatic fire sprinkler systems not required SB 91

Bullying and cyberbullying, purpose and waiver statement removed;

- extension of statute to actions occurring off school property
 - removed, but notifications requiredHB 370

Burial grounds. See: Cemeteries

Business, relationship with government, study SB 92

Business enterprise tax

- bill tabled, intent of House to consider and support if state revenues
 - exceed adopted estimatesHB 2am

Business enterprise tax (cont.)

- credits against business profits tax, carry forward period extended HB 187
- credits, production jobs creation; filing threshold increased SB 167
- qualified community development entity added to definition of
qualified investment company; exempt from tax SB 58

- Businesses**, prior notice of plant closing or mass layoffs, applicable to
employers of 100 or more workers SB 121

Business finance authority

- innovation business job growth program established to promote
investment in certain venture capital funds HB 605
- qualified community development entities added to definition of qualified
investment company; exempt from business profits and
enterprise taxes SB 58

- Business one stop project**, information technology position established;
appropriation HB 1

Business profits tax

- bill tabled, intent of House to consider and support if state revenues
exceed adopted estimates HB 2am
- credits, for cash contribution to support students at nonpublic
schools, study SB 67am
- deductions, expenses, current Internal Revenue Code section 179 applied SB 155
- deductions, reasonable compensation for partnerships, limited
liability companies, and proprietorships; standards and
burden of proof modified SB 125
- deductions, reasonable compensation for partnerships, limited
liability companies, and proprietorships, standards and
burden of proof modified HB 557
- deductions, to prevent double taxation on parent and subsidiary organization SB 167
- filing threshold increased SB 167
- net operating loss carryover amended SB 126
- net operating loss carryover limited HB 2am
- qualified community development entity added to definition of qualified
investment company; exempt from tax SB 58
- Business regulations (rules)**, study HB 248

C**Campgrounds**

- private, operation of bingo games without a license allowed; conditions SB 136
- private, operation of bingo games without a license allowed; conditions HB 348am
- toilet facilities, self-composting or incinerating allowed HB 404

- Cancer**, comprehensive cancer plan fund established SB 72

Cannon Mountain

- advisory commission reinstated HB 390
- revenue from all sources deposited into the general fund and applied to
the negative balance in the state park fund HB 2am
- ski area, reduced rate season passes, requirements amended HB 74

Capital improvements appropriations

- reduced if revenue is less than expected HB 25
- state agency projects, quarterly reports to administrative services; format;
summarized report to capital budget overview committee HB 91
- 2009, improvements to existing state liquor stores added SB 61

- Capital punishment**, home invasion murders HB 147

- Carbon monoxide detection devices**, not required in housing that does
not have an attached garage or combustion fuel appliances HB 317

Career schools

- private, definitions amended; exemption from payment into student
tuition guarantee fund; conditions SB 117
- private, separate chapter; powers and duties of higher education commission HB 2

Carnival-amusement operators rules , safety commissioner consultation with amusement ride advisory board removed	HB 2am
Catastrophic illness program repealed	HB 2
Cates, Kimberly L. Cates law, death penalty for home invasion murders	HB 147
Cemeteries burial grounds, voluntary maintenance, repair, and preservation, petition to selectmen; right-of-way provision	HB 358
public, towns not required to provide and maintain fences and gates	HB 382
Certificate of need , review board reinstated	HB 390
Charitable organizations gambling, game operators, definitions; licenses; surety bond increased	SB 136
gambling, game operators, definitions; licenses, surety bond increased	HB 348am
gambling, games of chance single wager limit increased	SB 13
gambling, person who deprives of any moneys collected from bingo or lucky 7, penalty; financial reports and inspections	SB 136
gambling, raffle permits may extend for one year	HB 155
Chartered public schools. See: Charter schools	
Charter schools building aid, grants for leased space eligible	HB 505
funding, additional grant for each pupil	HB 337am
funding, budgeted amounts may be exceeded; distribution of payments	HB 2
state board of education approval, pilot program made permanent; state to pay tuition for pupil attending school outside his resident school district directly to the school	SB 82
Virtual Learning Academy, state aid, total expenditure limitation	HB 2
Charters municipal, created by general court that do not have a local amendment process, to revert to the control of the voters, and be governed by RSA 49-B, home rule municipal charters	HB 181
municipal, new or amended, report to and notifications by secretary of state, attorney general, and revenue administration commissioner, timeline	HB 70
municipal, tax cap provision may be included	SB 2
municipal, tax cap provision may be included	HB 341
Chase v. Ameriquest Mortgage Co. , homestead right changed to protect against every type of claim and judgment whether at law or in equity	HB 305
Children abused or neglected, adjudicatory hearings, timeframe established	SB 34
abused or neglected, assigned counsel, judicial council not liable for expenses; payments from mediation and arbitration fund	HB 2
abused or neglected, delinquent, or in need of services, health and human services rates for services, placements, and programs maintained as of June 30, 2011	HB 2
abused or neglected, delinquent, or in need of services, prevention programs and incentive grants repealed	HB 2
adoption, hard-to-place children, subsidies repealed	HB 2am
child care agencies, volunteers and employees, criminal history check limited if full check has been done within the last 3 years	HB 488
custody, modifications of permanent order, best interests of the child, exception for relocation or parenting schedules	HB 52
custody, parenting plan to include legal residence of each parent, exceptions	SB 30
delinquent, or in need of services, court-ordered diversion programs, consents required	HB 313
delinquent, or in need of services, statutes, study	HB 168
guardians ad litem, compensation when parties are indigent, special fund removed; supplemental appropriation to judicial council	HB 2

Children (cont.)

- high intensive neonatal and pediatric care, health and human services contracts with NH hospitals unless none are available;
new rate structure requiredHB 2am
- in need of services, redefined; petition requires consent of health and human servicesHB 2am
- medically fragile or with chronic illness, Medicaid approval sought for parent to provide home health aide services, pilot programHB 2am
- parental rights termination cases, appointment of CASA guardian ad litem, payment by judicial council; appointed counsel, financial eligibility guidelinesHB 2am
- See also: Juvenile delinquents; Minors
- sports concussions and other concussions received while at school, studySB 95
- support, guidelines, calculation based on parents' net income levelHB 597
- support, health and human services, payments to administrative office of the courtsHB 1

Children's trust fund board, repealedHB 390**Cigarettes**

- tax, rate reducedHB 156
- tax rate reduced; reports, rate increased if there is a loss of revenueHB 2am

Circuit court probate, district, and family divisions to replace probate courts, district courts, and judicial branch family divisionHB 609**Cities**

- charters, created by general court that do not have a local amendment process, to revert to the control of the voters, and be governed by RSA 49-B, home rule municipal chartersHB 181
- charters, tax cap provision may be includedSB 2
- charters, tax cap provision may be includedHB 341

Citizens trade policy commission, repealedHB 390am**Civil defense director, wartime emergency fire assistance coordination transferred to fire marshalHB 392****Claremont**

- district court to remain open, judicial branch to pay all costsHB 2am
- district court to remain open, judicial branch to pay all costsHB 438

Clarksville, Shehan Pond dam, acquisition by fish and gameHB 35**Colebrook**

- district court to remain open, judicial branch to pay all costsHB 2am
- district court to remain open, judicial branch to pay all costsHB 438

Collective bargaining

- public employees, agreements, studyHB 580am
- public employees, automatic continuation clause (evergreen)
local option, studySB 73
- public employees, automatic continuation clause (evergreen) repealedSB 1
- public employees, bargaining units must have at least 10 membersHB 185
- public employees, certification of union representative by written majority authorization repealedHB 589
- public employees, impasse at expiration of old agreement, all employees at-will; salaries, benefits, and terms and conditions at discretion of the employerHB 2am
- state employees, contract cost items, legislative approval requiredSB 4

Colleges and universities

- security services and guards required to report felonies to law enforcement officials; exceptionHB 110
- See also: Community college system; Education, higher

Committee re-referrals

- administrative services, commissioner to develop proposal for state employee health savings or other tax-advantaged accountsSB 143
- aeronautical fund establishedHB 72

Committee re-referrals (*cont.*)

audio or video recording of police officers in the course of their official duties permitted	HB 145
ballot law commission eliminated; duties filled by secretary of state; appeals to superior courts on expedited basis with no fee to appellant	HB 466
bills and resolutions, fiscal note to include performance standard note to identify standards and outcomes	HB 520
business enterprise tax, credits, production jobs creation	SB 167
business profits tax, deductions, expenses, current Internal Revenue Code section 179 applied	SB 155
cemeteries, public, towns not required to provide and maintain fences and gates	HB 382
charitable organizations, gambling, games of chance single wager limit increased	SB 13
children, support, guidelines, calculation based on parents' net income level	HB 597
community residences for developmentally disabled, location subject to zoning ordinances	SB 94
Congress, urged to call a Constitutional convention for the sole purpose of voting only on a specific amendment	SCR 1
consumer protection act, exemption for certain regulated trade and commerce repealed	SB 186
corporations, filing of articles of dissolution to have no effect on prior orders determining fair value of shares	HB 405
corporations, voluntary, directors, chief executive and financial officers, annual management training	SB 177
criminal code, assault, criminal threatening, person on his own property who displays a weapon to warn away a trespasser has not committed a criminal act	HB 378
criminal code, justification, physical force in self defense if in a place where the person has a right to be	HB 210
criminal procedure, personal property seized from person charged with a crime must be returned within 21 days after acquittal or dismissal of charges; penalties	HB 225
education, building aid, facility maintenance and capital improvement programs required by 2016	HB 528
education, funding, state aid, grants and excess tax payments, provisions extended	SB 181
elections, political advertising, redefined; "implicitly" removed	HB 186
elections, polling places, changes in hours or location reported to secretary of state, who will post on state's website	HB 588
eminent domain, public utilities may not petition to take private land for a transmission facility that is not needed for system reliability	HB 648
endangered species conservation act, invasive species may not be claimed as habitats for endangered species	HB 439
enhanced 911 system, prepaid cellular telephone service, providers to supply subscriber information in emergencies; liability limited	HB 387
environmental services, integrated land development permit, fund, and ombudsman position established	SB 142
ethics, executive branch committee, duties and membership amended	SB 190
federal health care reform, health benefits exchange to facilitate purchase and sale of qualified health plans	SB 163
federal health care reform, state insurance mandates that exceed its "essential benefits" not available to the insured	HB 627
firearms, pistols and revolvers, license to carry not required; non-residents, license requirement amended	HB 330
fraud, financial, restitution fund for victims	SB 185
gambling, video lottery and table gaming at four locations	SB 182
general court, members, participation in state employee health insurance plan, administrative services to invoice and collect payments	SB 152
income tax, interest and dividends, conformed to federal tax definitions	SB 168

Committee re-referrals (cont.)

information technology, policy based on open source software, open data formats, and open government data standards	HB 418
insurance, accident and health, purchase from out-of-state companies authorized	SB 150
insurance department, banking departments, and securities regulation bureau of the secretary of state's office, improving communications and confidentiality, study	HB 102
Jericho Mountain state park, visitor center named for Robert Danderson	SB 106
juries, right to judge the application of the law in relationship to the facts in controversy	HB 146
labor, citizens job protection, misuse of Social Security numbers, civil cause of action against various persons; treble damages	HB 158
landlord and tenant, eviction proceedings, tenant must pay rent on a weekly basis	SB 44
life settlements act, amendments	SB 74
loans, installment, defined and regulated; successor to payday loans	SB 160
malpractice, medical, definition of unanticipated outcome; statement expressing apology or fault not evidence of admission of liability	SB 17
nursing homes, emergency receivership procedures	HB 479
personal identity, right to control commercial use	SB 175
pharmacies, drugs, prescription, automated systems, labeling requirements	HB 632
prime wetlands redefined	SB 19
real estate, appraisers board, amendments; appraisal management companies, registration and regulation	SB 153
real estate, transfer tax, exemptions, transfers between spouses, to or from a revocable trust, and transactions resulting from restructuring of ownership	SB 132
revenue administration, officials entering land to enforce timber yield or excavation taxes may not be charged with criminal trespass	SB 41
securities regulation, authority of banks department, attorney general, and bureau of securities regulation clarified	SB 188
security services and guards at colleges or universities required to report felony offenses to local law enforcement officials; exception	HB 110
sewage disposal systems, design and installation, approval transferred from environmental services to municipal plumbing inspectors	SB 84
state agencies, performance measurement system required; pilot program by health and human services	HB 508
state employees, collective bargaining, contract cost items, legislative approval required	SB 4
taxes, or license fees, new or increased rate, 2/3 vote required; exception for bonded debt	CACR 6
telephone services, definitions; exemptions from rates and charges provisions	SB 48
transportation department, state infrastructure bank, revolving loan program to finance eligible transportation projects	SB 159
trusts, other post-employment benefits (OPEB) trusts, board and fund, towns may establish	SB 83
wages, minimum, tip pooling arrangements amended	SB 49
workers' compensation, health care services, medical fees and reimbursement levels based on Medicare; rulemaking	SB 71
workers' compensation, independent contractors, registration with secretary of state required	SB 191
workers' compensation, special second injury fund, payments clarified, review board to hear appeals	SB 77

Common carriers. See: Motor carriers

Communications services tax, bill tabled, intent of House to consider and support if state revenues exceed adopted estimatesHB 2am

Community college system

administrative oversight of regional academic centers added; final decision on closure of a college or centerHB 69

Community college system (*cont.*)

- all functions, powers, and property of the regional community-technical colleges department transferred toHB 2am
- board of trustees, all property of the regional community-technical colleges transferred to; tax exempt status clarified; sale of real property; survey and insurance of Concord property required SB 194
- capital improvements appropriation; plan and quarterly updates relative to critical maintenance; lapse dates extendedHB 25
- debt service fund established; real estate and personal property tax exemption clarifiedHB 2am
- excellence in higher education endowment trust fund, balance transferred to, percentage distributionHB 2
- funds from college tuition savings plan, percentage distributionHB 2
- preferential treatment or discrimination in recruiting, hiring, promotion, or admission based on race, sex, national origin, religion, or sexual orientation prohibited; exceptionsHB 623

Community residences for developmentally disabled, location subject to zoning ordinances SB 94

Community revitalization tax relief incentive, qualifying structures may include buildings destroyed by fire or acts of nature SB 97

Computers

- See also: Internet
- state agencies, information technology policy based on open source software, open data formats, and open government data standardsHB 418

Concord

- community college system property, survey and insurance required SB 194
- regional solid waste/resource recovery cooperative agreement, amendments legalized SB 174
- union school district, exception from statutory election date requirement extended to any successor charterHB 130am

Condominiums

- application fees reducedHB 2am
- declarant defined to exclude certain mortgage holders; study committee on laws, duty added SB 54
- management agents, referral fees must be disclosed to unit owners' associationsHB 298
- outdoor display of US flag may not be prohibited; reasonable rulesHB 132
- registration and filing requirements repealed SB 54
- timelines for conversion of land extended SB 110

Confidential information

- disclosure, medicine, board of registration rules, objection by joint legislative committee on administrative rules, implementation prohibitedHJR 4
- exemption from disclosure on state transparency websiteHB 331

Congregate housing and services suspendedHB 2am

Connecticut Lakes headwater citizens committee, membership amendedHB 45

Connecticut Lakes headwaters

- dams, acquisition by fish and game; transfer to environmental services for repair and maintenanceHB 35
- working forest, roads, establishment of ATV trails, exemption from evaluation process SB 107

Connecticut River Valley resource commission, administrative

- attachment moved from energy and planning office to environmental services SB 25

Conservation. See Land and community heritage investment program

Constitutional amendment proposals

education, funding, general court to define standards for accountability, and mitigate local disparities in opportunity and fiscal capacity	CACR 14
education, funding, general court to define standards and accountability, determine level of state funding, and allocate state funds to mitigate disparities	CACR 12
governor, line item veto of appropriation items	CACR 5
taxes, or license fees, new or increased rate, 2/3 vote required; exception for bonded debt	CACR 6

Constitutions, US and NH, power and rights of the states affirmed	HCR 19
--	---------------

Consumer protection

act, claims, right to jury trial	SB 134
act, exemptions, for certain regulated trade and commerce repealed	SB 186
funerals, prearranged, contracts or burial plans, required contents; consumer protection guidelines and standards	HB 246
home-heating guaranteed price plans and prepaid contracts, methods of securing prepaid deposits amended	SB 197
securities regulation, authority of banks department, attorney general, and bureau of securities regulation clarified	SB 188
Contact lenses, including plano lenses, prescription required for sale	HB 284

Contracts

health and human services, consolidation to minimize overhead and administrative costs; quarterly reports	SB 151
home-heating guaranteed price plans and prepaid contracts, methods of securing prepaid deposits amended	SB 197

Coon Brook Bog dam, Pittsburg, acquisition by fish and game	HB 35
--	--------------

Coos county, electric power transmission capacity in northern NH, expansion commission extended, membership and duties amended	SB 46
---	--------------

Corey, Sean William, program, children medically fragile or with chronic illness, Medicaid approval sought for parent to provide home health aide services, pilot program	HB 2am
--	---------------

Corporations

campaign contributions and expenditures, reporting requirements	SB 169
filing of articles of dissolution to have no effect on prior orders determining fair value of shares	HB 405
voluntary, directors, chief executive and financial officers, annual management training	SB 177

Corrections

county facilities, superintendent may recommend release for work, rehabilitation or home confinement	HB 307
county facilities, superintendent may temporarily transfer prisoners for public safety or emergency reasons without approval of county commissioners; review at next commissioners' meeting	HB 115
department, appropriation reductions; quarterly reports; north country facility in Berlin not to close	HB 1am
department, capital improvements appropriation; reports on status of projects required; lapse dates extended	HB 25
department, commissioner, memorandum of understanding with health and human services commissioner and attorney general to address issues regarding adults with developmental disabilities who may present a risk to the community; inter-departmental team	SB 51
department, privatization plan, study	HB 2am
department, transfer from American Recovery and Reinvestment Act of 2009 economic stimulus funds	HB 2am
department, transfer of 600 inmates from Concord state prison to private or public correctional facilities	HB 2am
department, transfers of mixed source funding authorized for one year	HB 2am

Corrections (*cont.*)

- department, 2009 capital improvements appropriation for
stormwater/sewer system transferred to administrative servicesHB 25am
- facilities, participation in unused prescription drugs programHB 426
- jails, list of professional bondsmen provided by secretary of
state, requirements; no other list to be displayed SB 63

Cosmetologists, unlicensed practice, penalty reduced; regulation does not
apply to services to family and friends for no compensationHB 450

Counties

- budget estimates, date for hearing amendedHB 521
- corrections, facility superintendent may recommend release of prisoner
for work, rehabilitation or home confinementHB 307
- corrections, facility superintendent may temporarily transfer prisoners
for public safety or emergency reasons without approval of
county commissioners; review at next commissioners' meetingHB 115
- employees, discharge procedures not applicable to part-time, seasonal,
or infrequent employeesHB 594
- nursing homes, persons eligible for services, limitation on county
payments for fiscal years 2011-2014; prospective repeal
repealed; additional credit for long-term care expendituresHB 2
- sheriffs, vacancy, county convention may fill or leave vacant depending
on time left in the termHB 86

County attorney, vacancy, county convention may fill or leave vacant
depending on time left in the termHB 86

County convention, date for hearing on budget estimates amendedHB 521

County treasurer

- investments of excess funds in units of pooled money market mutual
funds which invest solely in obligations of the US TreasuryHB 198
- vacancy, county convention may fill or leave vacant depending on time
left in the termHB 86

Courts

- child abuse or neglect cases, court appointed special advocates (CASA)
may be appointedHB 2am
- circuit court probate, district, and family divisions to replace probate
courts, district courts, and judicial branch family divisionHB 609
- facilities, financing, negotiations and approvals the responsibility of
administrative services SB 65
- juries, nullification, right to judge the application of the law in relationship
to the facts in controversyHB 146
- parental rights termination cases, appointment of CASA guardian
ad litem, payment by judicial council; appointed counsel,
financial eligibility guidelinesHB 2am
- penalty assessments, deposit of portion in general fund removed; portion
to police standards and training council training fund increasedHB 2
- rules of evidence for the family division adoptedHB 259
- See also: District courts; Family division; Judges; Judicial branch;
Probate courts; Superior courts; Supreme court

Crabs, licenses, criteria for continuing to receive a license revised; fees
amended; landing licensesHB 571

Credit access reform and employment act, installment loans defined
and regulated; successor to payday loans SB 160

Credit cards, use for payment of taxes authorized SB 56

Criminal code

- abuse of office, official oppression, official acting without purpose to
benefit himself or another added; penalties amendedHB 572
- assault, criminal threatening, person on his own property who displays
a weapon to warn away a trespasser has not committed a
criminal actHB 378

Criminal code (*cont.*)

assault, criminal threatening, person who is anywhere he has a right to be who brandishes a weapon to warn away a person making a threat not guilty of criminal threatening	SB 14
felony conviction which includes possession or of a firearm, minimum mandatory sentencing requirement removed	HB 378
justification, no duty to retreat, deadly force in defense of a person if in a place where the person has a right to be; civil immunity	SB 88
justification, non-deadly force redefined; act of producing or displaying a weapon included	SB 88am
justification, physical force in self defense if in a place where the person has a right to be	HB 210
justification, school personnel using reasonable force against a pupil, complete defense to any civil action	HB 375
murder, capital punishment, home invasions	HB 147
parole, extended term of recommittal for high risk offenders and those convicted of felonious sexual offenses	HB 2
parole, sexual offenders or offenders against children, intensive supervision required	HB 2
sentences, annulment, hearing not required; liability for disclosing record amended	HB 82
sentences, felony conviction which includes possession or use of a firearm, minimum mandatory sentencing requirement removed	SB 88am
sentences, prisoners in county facilities, superintendent may recommend release for work, rehabilitation or home confinement	HB 307
sentences, probation or parole, mandatory early release not applicable to persons convicted of violent crimes or sexually violent offenses	SB 52
sentences, probation or parole, mandatory early release not applicable to those convicted of violent crimes until corrections commissioner certifies to secretary of state that sufficient services are available	HB 524

Criminal procedure

complaint by police officer, oath requirement removed for class B misdemeanors; signature required	SB 64
juries, nullification, right to judge the law as well as the facts	HB 146
personal property seized from person charged with a crime must be returned within 21 days after acquittal or dismissal of charges; penalties	HB 225

Criminal records. See: Records, criminal

Criminal trespass, revenue administration officials entering land to enforce timber yield or excavation taxes may not be charged	SB 41
---	-------

Crossbows, hunting by disabled, medical documentation may be completed by advanced practice registered nurse	HB 93
---	-------

Cultural resources

abolished; state library and historical resources transferred to secretary of state	HB 2am
appropriation reductions	HB 1am
federal funding, department to review federal program guidelines for state library to use funds for other than interlibrary loan van service	HB 2am

Current use, advisory board, membership qualifications amended	HB 46
---	-------

Custody

children, modifications of permanent order; best interests of the child, exception for relocation or parenting schedules	HB 52
children, parenting plan to include legal residence of each parent, exceptions ...	SB 30

D**Dams**

Connecticut Lakes headwaters, acquisition by fish and game; transfer to environmental services for repair and maintenance	HB 35
subdivision applications, notice to upstream dam owners by planning boards removed	HB 205

Danderson, Robert, Jericho Mountain state park, visitor center named for	SB 106
Dartmouth Psychiatric Research Center, contract with Health and human services behavioral health bureau prohibited	HB 2am
Davis-Bacon Act compliance, public works bureau projects, expenditure for temporary personnel for construction inspection services	HB 25
Daylight savings time, dates amended to correspond with federal law	HB 61
Death penalty, home invasion murders	HB 147
Deaths	
custody and control of remains, funeral director procedures	HB 289
funerals, prearranged, contracts or burial plans, required contents; consumer protection guidelines and standards	HB 246
Debt collection practices, complaints, material that must be filed; default or summary judgment, evidence of amount and nature of the debt required	SB 187
Deer, hunting, special permit for transporting, procedure clarified	HB 195
Definitions	
community	HB 368
fireworks, permissible	HB 291
gross misconduct for unemployment compensation	HB 26
image display device	HB 397
limited electronic media	HB 47am
modular building, amended	SB 116
moped, amended	SB 29
mortgage loan originator amended	SB 189
motor vehicles, commercial, amended to exclude certain emergency vehicles at certain times	SB 60
non-deadly force, act of producing or displaying a weapon included	SB 88am
nurses amended	SB 53
plano lenses	HB 284
prime wetlands, amended	SB 19
publication for statewide circulation	HB 2
school bus, mixed use	HB 172
short sales	SB 111
small schools	HB 290
telephone services, basic and InterLATA	SB 48
trusts, qualified association, modified	SB 119
utility terrain vehicle	SB 100
wetlands redefined	SB 21
Dental care	
hygienists, committee within dental examiners board to propose administrative rules	HB 565
insurance, accident and health, coverage for certain services required	HB 175
Depot Street, Andover, reclassified	HB 363
Developmental services, budget reductions, health and human services implementing and reporting requirements	HB 2am
Developmentally disabled	
committee for the protection of human subjects reinstated	HB 390
community residences, location subject to zoning ordinances	SB 94
wait list, full funding suspended for the biennium	HB 2
who may present a risk to the community, inter-departmental team to address issues	SB 51
Disability, governor's commission, client assistance program, appropriation for administration transferred to NH Disability Rights Center	HB 2
Disability Rights Center, appropriation for administration of client assistance program of governor's commission on disability transferred to	HB 2

Disabled

- committee on architectural barrier-free design reinstatedHB 390
- developmentally, committee for the protection of human subjects
reinstatedHB 390
- developmentally, community residences, location subject to
zoning ordinancesSB 94
- developmentally, wait list, full funding suspended for the bienniumHB 2
- developmentally, who may present a risk to the community,
inter-departmental team to address issuesSB 51
- family support services suspendedHB 2am
- hunting with crossbow, medical documentation may be completed by
advanced practice registered nurseHB 93
- permanently and totally, person fleeing a state to avoid prosecution or
custody, or violating parole or probation, ineligible to receive aidHB 2am
- permanently and totally, public assistance conditioned on person filing
an application for federal disability benefits and pursuing
appeals for those benefitsHB 2am
- permanently and totally, public assistance, earned income disregard,
health and human services rulemaking amendedSB 198
- walking disability, parking, persons with permanent disability may be
exempted from submitting proof of disability every 5 yearsHB 134
- workers, practical experience/training program; sub-minimum wage or
no wage allowed; cannot displace an existing or laid-off workerHB 401

Diseases

- Alzheimer's and related disorders, program funding suspendedHB 2am
- cancer, comprehensive cancer plan fund establishedSB 72
- Lyme disease, board of medicine statement on website that physicians
will not be subject to disciplinary action for treating with
long-term antibioticsHB 295

District courts

- Colebrook, Keene, Claremont, Plaistow, and Milford to remain open,
judicial branch to pay all costsHB 2am
- Colebrook, Keene, Claremont, Plaistow, and Milford to remain open,
judicial branch to pay all costsHB 438
- Hampton-Exeter, permanent siting, deadline extendedSB 36
- motor vehicle violation cases, certain expert testimony by video
teleconferenceHB 478
- replaced with circuit court district divisionHB 609

Divorce

- court ordered counseling, court to consider selecting a counselor who
accepts direct payment from the parties' health insurance carrierHB 174
- petition for spousal support, Medicaid recipient to notify health and
human servicesHB 2am

Dogs

- bites and damages, municipal liability limitedHB 532
- police dogs, limitation on liability, certification by New England State
Police Administrators CompactHB 79
- service, definitions; duties; right to accompany handler into public
facilities; application to search and rescue dogs; prohibited actsHB 398

- Domestic relations**, court ordered counseling, court to consider selecting
a counselor who accepts direct payment from the parties'
health insurance carrierHB 174

- Domestic violence**, personal property, including weapons, confiscated
from person charged with abuse must be returned within
21 days after dismissal of chargesHB 225

Dredging. See: Excavating

Driver education

- fund, commercial and private driving schools may receive moneySB 137
- fund, uses limited; payments to secondary schools or districts removedHB 2

- Drug abuse**, prevention and treatment fund, governor's commission,
2009 operating budget note deleted; appropriation lapsedHB 2am
- Drug and alcohol services bureau** of health and human services
merged into behavioral health bureauHB 2am

Drugs

- controlled, manufacturers, wholesalers, distributors, or brokers, changes
in ownership reported to pharmacy boardHB 504
- controlled, marijuana, medical use, protections; administration;
alternative health centersHB 442
- controlled, sale or possession by minors under age 21, denial or
revocation of driver's license, procedures clarifiedSB 31
- prescription, automated pharmacy system, labeling requirementsHB 632
- prescription, electronic, laws, studySB 122
- prescription, managed care plans, expedited process for pain medicationsSB 171
- prescription or over-the-counter, drug take-back programs may be
established; guidelines established by ruleHB 71
- prescription, rebates-regular care, funds over certain amount credited to
general fundHB 2am
- prescription, reverse distributors defined; licensingHB 504
- prescription, unused, program, donations by manufacturers, wholesalers,
nursing homes, long-term care or correctional facilities addedHB 426
- prescription, unused, program, manufacturer's samples includedHB 111
- prescription, vaccines that may be administered by pharmacists expanded;
requirementsSB 93

E

Economic development

- community revitalization tax relief incentive, qualifying structures may
"include buildings destroyed by fire or acts of natureSB 97
- director position eliminated; duties transferred to DRED commissionerHB 2am
- fund review committee reinstatedHB 390
- innovation business job growth program established to promote
investment in certain venture capital fundsHB 605
- job training program for economic growth grant review committee reinstatedHB 390
- New Markets Tax Credit Program, qualified community development
entities added to definition of qualified investment company;
exempt from business profits and enterprise taxesSB 58

- Economic strategic commission**, relationship between business and
government, studySB 92

Education

- adequate, accountability alternative, full accreditation from New England
Association of Schools and CollegesHB 130
- adequate, average daily membership in residence redefined; base cost
per pupilHB 2am
- adequate, funding, calculation and distribution of grants amended;
fiscal disparity aid and excess education tax payments repealed;
stabilization grantsHB 337
- adequate, funding, calculation and distribution of grants amended;
fiscal disparity aid repealed; stabilization grants for certain
communities establishedSB 183
- adequate, funding, grants, changes, towns with semi-annual or quarterly
tax collections may adjust partial paymentsHB 622
- adequate, joint oversight committee on accountability for an adequate
educationHB 337
- adequate, joint oversight committee on accountability for an adequate
education, studyHB 2am
- adequate, performance based school accountability, new criteria;
evaluation, scores and ranking by education commissionerSB 172
- building aid, facility maintenance and capital improvement programs
required by 2016HB 528

Education (cont.)

building aid, grants, for leased space, charter schools eligible	HB 505
building aid, long-term sustainable funding, study	SB 178
building aid, or alternative building aid, suspended for biennium; waiver	HB 2
charter schools. See: Charter schools	
Community college system, funds from other than general fund, excess receipts may be expended	HB 1
department, and local education authorities, relationship, study	HB 2am
department, capital improvements appropriation; lapse dates extended	HB 25
department, commissioner, removed from healthy kids corporation board	HB 2am
department, common core state standards, adoption, approval of general court required	HB 164
department, competitive grant program to SAUs to further cooperation in providing superintendent services; appropriation	HB 2
department, driver education, administrative responsibilities removed	HB 2
department, instructional days and hours, rulemaking required	HB 112
department, postsecondary education commission powers and duties transferred to	HB 2
department, unclassified, non-classified, or classified positions at labor grade 30 or above, 5% eliminated	HB 2am
drug-free school zones, sign fund repealed; penalty assessments to general fund	HB 2am
funding, excess tax, remission to revenue administration deleted; town may retain	HB 2am
funding, fiscal capacity disparity aid, calculation amended	HB 2
funding, general court to define standards and accountability, determine level of state funding, and allocate state funds to mitigate disparities	CACR 12
funding, general court to define standards for accountability, and mitigate local disparities in opportunity and fiscal capacity	CACR 14
funding, school district special meetings to consider changes in amount of state funding, procedures	HB 2
funding, school district special meetings to consider changes in amount of state funding; procedures	HB 650
funding, state aid, grants and excess tax payments, provisions extended	SB 181
funding, state aid, total grants to municipalities, limitations; stabilization grants to equal decreases	HB 2
funding, tax credit plan to support students at nonpublic schools, study	SB 67am
higher, college tuition savings plan, funds, percentage to UNH system and community college system	HB 2
higher, excellence in higher education endowment trust fund, balance transferred to UNH system and community college system	HB 2
higher, funds from other than general fund, excess receipts may be expended	HB 1
higher, Granite state scholars, criteria, SAT scores amended; date for distribution of matching funds to institutions changed	SB 45
higher, private postsecondary career schools, definitions amended; exemption from payment into student tuition guarantee fund; conditions	SB 117
higher, security services and guards required to report felonies to local law enforcement officials; exception	HB 110
higher, student loans for veterinarians, physicians and surgeons, and optometrists repealed	HB 2
higher, Upper Valley Educators Institute, degree granting authority	HB 170
higher, various trust funds and scholarship moneys repealed	HB 2am
high schools, regional vocational centers, advanced manufacturing education advisory council membership amended	SB 112
jobs program, federal funding for school districts, appropriation not to lapse	HB 2
kindergarten, construction program, bonds authorized	HB 2am
kindergarten, construction program, eligibility requirements	HB 2am
lottery authority established	SB 138
nonpublic schools, receiving public funds, compliance with all state statutes and education department rules required	SB 113

Education (cont.)

- private career schools, powers and duties of higher education HB 2
- commission HB 2
- pupil safety and violence protection act, purpose and waiver statement removed; extension of bullying and cyberbullying statute to actions occurring off school property removed, but notifications required HB 370
- pupils, attendance, residency disputes, procedures SB 37
- pupils, compulsory attendance, age returned to 16 HB 429
- school boards responsible for establishing structure, accountability, advocacy, and conduct of instruction; instructional goals for each school HB 216
- school districts required to work with parents to provide alternatives to any material the parent finds objectionable HB 542am
- small school defined; staffing exceptions HB 290
- special, contract with independent organization to provide recommendations for program evaluation repealed HB 2am
- special, executive planning commission repealed HB 390
- special, rulemaking amended; schools to meet only the minimum requirements of the Individuals with Disabilities Education Act HB 2am
- special, school district liability for catastrophic expenditures amended HB 2
- special, statewide programs, aid, specific amount removed HB 2am
- teachers. See: Teachers
- trust fund, estimate of unrestricted revenue HB 1
- twenty first century education commission established, duties SB 192
- University of NH, funds from other than general fund, excess receipts may be expended HB 1
- vouchers, study SB 67

Elderly

- and adult services, county nursing homes, persons eligible for services, limitation on county payments for fiscal years 2011-2014; prospective repeal repealed; additional credit for long-term care expenditures HB 2
- and adult services, nursing services, 2009 operating budget note deleted; appropriation lapsed HB 2am
- congregate housing and services suspended HB 2am
- motor vehicle driver license reexamination test at age 75 eliminated HB 549
- social services block grant clients, income eligibility raised by annual cost of living adjustments to benefits HB 2
- state committee on aging, membership and duties clarified HB 364

Elections

- absentee voting, delivery and acceptance of ballots amended; use of federal write-in absentee ballot as a request for an official absentee ballot HB 251
- ballot law commission eliminated; duties filled by secretary of state; appeals to superior courts on expedited basis with no fee to appellant HB 466
- biennial, state employees who volunteer as workers, payment provision SB 145
- campaign contributions, and expenditures, business organizations and labor unions, reporting requirements SB 169
- official email, street address, and polling place location and hours must be maintained by each town or city clerk HB 274
- political advertising, deadlines for removal eliminated HB 257
- political advertising, redefined; "implicitly" removed HB 186
- political organizations, nomination papers dated in year of the election or prior year SB 193
- polling places, changes in hours or location reported to secretary of state, who will post on state's website HB 588
- polling places, distributing campaign materials, width of corridor requirements amended; moderator's discretion, review by secretary of state HB 411

Elections (cont.)

prerecorded political messages to numbers on the federal do not call list, delivery, prohibition repealed	HB 451
primaries, candidates for state representative or party convention delegate may file with secretary of state	HB 42
returns and records requirements amended; deadlines modified; neglect by a moderator or clerk must be intentional to be punishable	SB 135
services to unincorporated places, towns reimbursed through the county	HB 288
town auditors, reference to obsolete sections removed	HB 32
town offices, candidates filing on the last day of the filing period must do so in person before the town clerk	HB 106
unenforced provisions regarding filing fees, primary petitions and contributions by corporations repealed	HB 258
vacant county offices, county convention may fill or leave vacant depending on time left in the term	HB 86
voter check-in, challenge of voters, reference to challengers appointed by party committees added	SB 115
voter registration, photo id required to obtain ballot, provisional ballot voting procedure	SB 129
voter registration, same day, identity verification letters, return to secretary of state; list of those who do not respond forwarded to attorney general	HB 487
voting procedures, technical amendments	HB 274

Electric power

customer-generator, micro-combined heat and power systems included; net energy metering, generating capacity limited	HB 381
eminent domain, public utilities may not petition to take private land for a transmission facility that is not needed for system reliability	HB 648
energy efficiency and clean energy districts, funding by municipal revenue bonds; lien priority removed	HB 144am
high-level radioactive waste act repealed	HB 2
renewable generation facility, definition modified for payment in lieu of taxes	SB 118
transmission capacity in northern NH, expansion commission extended, membership and duties amended	SB 46

Electricians

board, disciplinary actions, records not retained or considered after 7 years	SB 68
licenses, state and local fire and building officials may issue citations for violations	HB 355
master, two apprentices allowed for each master	HB 503

Electronic vehicle registration program, motor vehicle dealers may

act as agents of the motor vehicles division for registration and title applications of newly purchased vehicles	SB 156
---	--------

Emergencies

ambulance services, insurance payments may be made directly to providers	HB 31
enhanced 911 system, dispatch times, study extended and quarterly meetings required	HB 410
federal assistance grants for emergency responses to be collected by the appropriate agency and appropriated to the transportation department for the biennium	HB 2
joint legislative oversight committee on emergency management system reinstated	HB 390

Emergency medical and trauma services

transfer of critically ill patient from one hospital to another, exception allowing only one provider to ride with the patient repealed	HB 58
trauma medical review committee reinstated	HB 390

Emergency medical and trauma services coordinating board, review

by legislative oversight committee on the emergency management system for duplication and possible consolidation with other committees	HB 413
--	--------

Emergency medical services bureau, donations and grants, annual reporting requirement	HB 392
Emergency medical services medical control board, review by legislative oversight committee on the emergency management system for duplication and possible consolidation with other committees	HB 413
Emergency preparedness and security	
advisory committee, duties transferred from hazardous materials transportation advisory committee	HB 392
advisory committee, review by legislative oversight committee on the emergency management system for duplication and possible consolidation with other committees	HB 413
Eminent domain, public utilities may not petition to take private land for a transmission facility that is not needed for system reliability	HB 648
Emissions, motor vehicles, idle reduction technology to reduce, trucks allowed additional weight	HB 117
Employee leasing companies	
leasing company and client company, responsibilities clarified	SB 89
procuring health insurance, study	SB 89am
Employment security	
department, capital improvements appropriation	HB 25
return to work program participants exempt from the definition of employment; requirements for participation	SB 62
Endangered species conservation act, invasive species may not be claimed as habitats for endangered species	HB 439
Energy	
efficiency and clean energy districts, funding by municipal revenue bonds; lien priority removed	HB 144am
electric power, customer-generator, micro-combined heat and power systems included; net energy metering, generating capacity limited	HB 381
electric power, renewable generation facility, definition modified for payment in lieu of taxes	SB 118
electric power, transmission capacity in northern NH, expansion commission extended, membership and duties amended	SB 46
high-level radioactive waste act repealed	HB 2
Energy and planning office	
administrative attachment of Connecticut River Valley resource commission moved to environmental services	SB 25
duties revised; coordination of federal funds, economic development reporting requirements, water protection assistance program, housing and conservation planning, high-level radioactive waste act, and land use board member training removed	HB 2am
municipal zoning and ordinance documents filed with; lists and surveys published	HB 2
Enfield wildlife management area, renamed Henry Laramie wildlife management area	HB 167
Enhanced 911 system	
dispatch times, study extended and quarterly meetings required	HB 410
prepaid cellular telephone service, providers to supply subscriber information in emergencies; liability limited	HB 387
Environmental services	
administrative attachment, Connecticut River Valley resource commission	SB 25
appropriation reductions; quarterly reports	HB 1am
business regulations (rules), study	HB 248
capital improvements appropriation; lapse dates extended	HB 25

Environmental services (cont.)

commissioner, waters, natural rivers protection, approval of certain minimal impact alterations	HB 27
dams in Connecticut Lakes headwaters may be transferred from fish and game for repair and maintenance	HB 35
general court intent, the department to continue to perform all its assigned functions to protect public health and promote public safety	HB 2am
integrated land development permit established; fund and ombudsman position established	SB 142
notice by planning boards of subdivision applications near lakes, ponds, rivers, or streams	HB 205
regional greenhouse gas initiative, cap and trade program for carbon dioxide emissions repealed; use of funds clarified	SB 154
regional greenhouse gas initiative, cap and trade program for carbon dioxide emissions repealed; use of funds clarified	HB 2am
regional greenhouse gas initiative, cap and trade program for carbon dioxide emissions repealed; use of funds clarified	HB 519
septic systems, design and installation approval transferred to municipal plumbing inspectors	SB 84
stream crossing rules, study	HB 621am
unclassified, non-classified, or classified positions at labor grade 30 or above, 5% eliminated	HB 2am
waste management, underground storage facilities, permanent closure, waiver for certain systems	SB 87
water pollution, shoreland protection act renamed shoreland water quality protection act; amended generally	HB 2am
water, quality laboratory transferred to health and human services	HB 2
water, wastewater and public water supply projects, state aid, priority to municipal projects not funded in 2009-2011	SB 158
water, withdrawals for snowmaking, measurement and record keeping requirements	SB 32
wetlands, excavating, aquatic resource compensatory mitigation, administrative assessments amended	HB 468
wetlands, excavating, permits, extension requirements	SB 38
Equalization standards board , administrative and business processing functions merged with and performed by assessing standards board	HB 2
Escheat , unclaimed and abandoned property in airport property rooms, disposition	HB 2am
Estates	
planning by guardian, allocation of ward's income authorized	HB 2am
priority of charges, claims for financial or medical assistance by health and human services amended	HB 2am
trustees, bond requirement, applicability	SB 50
Estheticians , unlicensed practice, penalty reduced; regulation does not apply to services to family and friends for no compensation	HB 450
Ethanol , corn-based additive to gasoline, manufacture or sale in NH prohibited	HB 374
Ethics , executive branch, committee, duties and membership amended	SB 190
Evergreen clause	
automatic continuation of public employee collective bargaining agreement, local option, study	SB 73
automatic continuation of public employee collective bargaining agreement repealed	SB 1
Evidence	
medical malpractice actions, expression of apology or fault not evidence of admission of liability	SB 17
rules, adopted for family division of the courts	HB 259

Excavating

- permits, additional exemptions for certain man-made ditches and
legally constructed ponds SB 21
- replacement or repair of existing structures in non public waters located
solely within owner's property boundaries and having no direct
abutters, exempt from mitigation requirementsHB 230
- shoreland protection act, permits not required for projects which have
terrain alteration permits SB 20
- terrain alteration permits, fees reduced SB 59
- wetlands, aquatic resource compensatory mitigation, administrative
assessments amendedHB 468
- wetlands, permit by notification for towns following the Best
Management Practices for Routine Roadway Maintenance SB 21
- wetlands, permit by notification for towns following the Best
Management Practices for Routine Roadway MaintenanceHB 621
- wetlands, permits, extension requirements SB 38
- wetlands, prime, redefined SB 19

Excavation tax

- administration and enforcement transferred to local assessing officialsHB 2
- revenue administration officials entering land to enforce may not be
charged with criminal trespass SB 41
- violations, administrative fine authorized SB 39

Executive branch

- commissioners, authority to transfer or reassign personnel; delegation of
authority; extension of expired term limited to 6 months SB 81
- ethics committee, duties and membership amended SB 190
- executive order directing freeze on hiring, purchases, and
out of state travel continued for the bienniumHB 2

Executive council

- canvass of votes by Senate and House joint convention SR 6
- joint convention with House to hear report of committee appointed to compare
and count votes for governor and council, for the Inauguration of
the governor, and taking of the oath by the council SR 7
- See also: Governor, and council

Executors and administrators, estates, priority of charges, claims for

- financial or medical assistance by health and human services
amendedHB 2am

Exeter-Hampton district court, permanent siting, deadline extended SB 36

Exeter/Squamscott River, segments protectedHB 555

Exotic aquatic weeds and species committee, membership amendedHB 55

Explosives, flammable stove polish, sale, prohibition repealedHB 143

F

Family division of the courts

- marital masters, NH residency requiredHB 510
- petition to marry by underage party, application transferred from
superior or probate court judge SB 34
- replaced with circuit court family divisionHB 609
- rules of evidence adoptedHB 259

Family mediators, compensation, special fund abolishedHB 634

Family planning accounting unit, appropriations not used to

- fund abortionsHB 2am

Family support services, caregivers for disabled, suspendedHB 2am

**Federal Emergency Management Agency, federal assistance grants for
emergency responses to be collected by the appropriate agency**

- and appropriated to the transportation department for the bienniumHB 2

Federal funding, to establish motorcycles-only roadside checkpoints, no

- agency or political subdivision may acceptHB 148

Federal grant-in-aid programs, state participation, study	HB 590
Federal health care reform	
attorney general required to join lawsuit challenging	HB 89
attorney general required to join lawsuit challenging (HB 89), supreme court opinion requested	SR 9
attorney general should join lawsuit challenging	SB 148
exchange planning grant declined; request that funds be used to reduce the federal budget deficit	HB 601
general court to determine any policy regarding implementation if NH is required to implement; joint health insurance reform oversight committee established	SB 162
health benefits exchange to facilitate purchase and sale of qualified health plans	SB 163
joint health care reform oversight committee to supervise insurance commissioner's implementation of the Patient Protection and Affordable Care Act of 2009	HB 601
required health insurance prohibited	SB 148
state insurance mandates that exceed its "essential benefits" not available to the insured	HB 627
Federal Highway Administration Emergency Relief Program, federal assistance grants for emergency responses to be collected by the appropriate agency and appropriated to the transportation department for the biennium	HB 2
Federal Motor Carrier Safety Administration, registration prohibitions, compliance	HB 192
Film and television commission transferred to DRED from cultural resources	HB 2am
Financial Resources Mortgage, Inc., issues, study	HB 178
Fines	
administrative, excavation tax violations, by revenue administration	SB 39
administrative, timber yield tax violations	SB 79
civil penalty, for violations of labor laws by employers, one warning issued prior to imposing a fine; exceptions	SB 86
fish and game violations, remitted to general fund	HB 2am
military justice, credited to national guard recruitment and retention scholarship fund	SB 140
motor vehicle violations, pleas by mail credited to the general fund	HB 2am
Fire alarms, type and location requirements for housing amended	HB 317
Firearms	
carrying into state house complex, policy revision must be by legislation adopted by the general court	HB 160
felony conviction which includes possession or use of a firearm, minimum mandatory sentencing requirement removed	SB 88am
person who is anywhere he has a right to be who brandishes a weapon to warn away a person making a threat not guilty of criminal threatening	SB 14
seized from person charged with domestic violence must be returned within 21 days after dismissal of charges	HB 225
Fire code, state, application to construction or rehabilitation of existing buildings	SB 110
Fire control advisory board	
clerical support transferred from administration division to fire safety division	HB 188
reinstated	HB 390
Fire department vehicles, excluded from definition of commercial vehicle when returning from fire service purposes or being driven in a parade	SB 60
Firefighters, killed in the line of duty, medical benefits for beneficiaries amended	SB 166

Fire marshal

- and other state and local fire and building officials may issue citations
for violations of fire safety rules and licensing violations of fuel
gas fitters, electricians, and plumbersHB 355
- wartime emergency fire assistance coordination transferred from civil
defense directorHB 392

Fire safety

- and emergency management director, nuclear emergency response plan,
duties transferred to homeland security division directorHB 392
- division, clerical support to the advisory board of fire control transferred
from administration divisionHB 188

Fire sprinkler systems

- automatic, towns may not require in detached one or two-family residences SB 91
- planning boards may not require in one or 2 family residencesHB 109am

Fire standards and training, and emergency medical services, funding

- options, studyHB 2am

Fireworks

- permissible, defined as consumer fireworks; membership andHB 291
- duties of permissible fireworks advisory committee amendedHB 355
- permissible, state and local fire officials may issue citations for violationsHB 355

Fish and game

- department, acquisition of dams in Connecticut Lakes headwaters;
transfer to environmental services for repair and maintenanceHB 35
- department, capital improvements appropriation; lapse dates extendedHB 25am
- department, divisions listedHB 2am
- department, Enfield wildlife management area renamed Henry Laramie
wildlife management areaHB 167
- endangered species conservation act, invasive species may not be claimed
as habitats for endangered speciesHB 439
- fund, estimate of unrestricted revenueHB 1
- guides, licenses, not required for licensed operators of for-hire vessels
engaged in recreational fishing in coastal watersHB 570
- hunting, deer, special permit for transporting, procedure clarifiedHB 195
- hunting, executive director may suspend a certificate of completion of
hunter education programs; rulemakingHB 196
- hunting, with crossbow, disabled, medical documentation may be
completed by advanced practice registered nurseHB 93
- licenses, apprentice hunting license; requirementsHB 206
- licenses, lobster and crab, criteria for continuing to receive a license
revised; fees amended; landing licensesHB 571
- licenses, recreational saltwater fishing and charter and party boats,
fees reducedHB 2am
- nongame species account, donation match deletedHB 2am
- search and rescue, fund, certain revenues from DRED deposited intoHB 2am
- search and rescue, plan for implementation of sustainable funding sourceHB 2am
- search and rescue, sources of funding, studySB 128am
- violations, fines remitted to general fundHB 2am

Flag, US, code adopted for NH; flying US flag from a private residence

- may not be prohibitedHB 132

Flags, miniature, sale by hawkers and peddlers, prohibition repealedHB 142

**Flood control, land acquired by federal government, reimbursement to
towns by the state modifiedHB 2**

Flowers, artificial, sale by hawkers and peddlers, prohibition repealedHB 142

Food

- meat inspection program, fund and fees established in agriculture
departmentHB 339
- oleomargarine, labeling for sale of broken packages and notice for serving
colored margarine repealedHB 333

Foreclosures

- process, study SB 109
- short sales defined; foreclosure consultants exempted from regulation;
disclosures required SB 111

Foresters, licenses, expiration date amended HB 92

Foster grandparent program, reimbursement suspended HB 2am

Franconia Notch forest reservation and memorial park to be undisturbed,
as well as burial sites, memorials, and designated historic sites HB 33

Franklin A. Partin, Jr., right to work act adopted HB 474

Fraud

- financial, restitution fund for victims SB 185
- Medicaid, false claims for payment of public assistance, private person
may bring action for recovery; criteria clarified SB 139

FRM, issues, study HB 178

Fuels, use, idle reduction technology to reduce, trucks allowed
additional weight HB 117

Funeral directors and embalmers

- board, requirement to hold education meetings repealed HB 289am
- custody and control of remains, procedures HB 289
- prearranged funeral contracts or burial plans, required contents;
consumer protection guidelines and standards HB 246

Funeral expenses, payment for public assistant recipients suspended HB 2am

G**Gambling**

- charitable organizations, games of chance single wager limit increased SB 13
 - facilities, surveillance requirements HB 348am
 - game operators, definitions; licenses; surety bond increased SB 136
 - game operators, definitions; licenses, surety bond increased HB 348am
 - lottery commission eliminated; replaced by education lottery authority SB 138
 - racing and charitable gaming and lottery commissions prohibited from
authorizing new electronic gambling machines and devices HB 348
 - raffles, charitable organizations, permit may extend for one year HB 155
 - tax on winnings repealed SB 130
 - tax on winnings repealed HB 2
 - tax on winnings repealed HB 229
 - video lottery and table gaming at four locations SB 182
- Gasoline**, with corn-based ethanol additive, manufacture or sale in
NH prohibited HB 374

General court

- appropriation reductions HB 1
- approval of state employee collective bargaining contract cost items required SB 4
- at end of fiscal year unexpended appropriations transferred to special
legislative account; balance over certain amount lapsed to
general fund HB 2am
- bills. See: Bills and resolutions
- education, duty to define standards and accountability, determine level
of state funding, and allocate state funds to mitigate disparities CACR 12
- education, funding, duty to define standards for accountability, and
mitigate local disparities in opportunity and fiscal capacity CACR 14
- intent, cultural resources department to review federal program
guidelines for state library to use funds for other than
interlibrary loan van service HB 2am
- intent, environmental services department to continue to perform all its
assigned functions to protect public health and promote
public safety HB 2am
- joint health care reform oversight committee to supervise insurance
commissioner's implementation of the Patient Protection and
Affordable Care Act of 2009 HB 601

General court (cont.)

joint legislative historical committee and joint legislative oversight committee on emergency management system reinstated	HB 390
joint legislative historical committee reinstated; duties expanded to include duties of state heritage collections committee	HB 114am
joint legislative information technology oversight committee reinstated	HB 390
joint legislative oversight committee on the emergency management system, duplication and possible consolidation of various committees, review	HB 413
joint oversight committee on accountability for an adequate education, study	HB 2am
justice department prohibited from expending funds for the purpose of legal action against the general court	HB 2am
laws, enrollment process amended	SB 196
legislative facilities committee, policy revision on carrying weapons in the state house complex must be by legislation adopted by the general court	HB 160am
members, participation in state employee health insurance plan, administrative services to invoice and collect payments	SB 152
See also: House of representatives; Legislative branch; Senate	
study committee membership limited to members of the general court; chairman to file final report electronically with clerks	HB 190
General fund , estimate of unrestricted revenue	HB 1
General John Stark Day , proclaimed by governor, 4 th Monday in April, schools encouraged to commemorate	HB 444
Geographic location , in NH may be included in a trademark, but no business may have exclusive use of the name	HCR 22
Gibson , Timothy, bridge in Merrimack named for	HB 525
Glenclyff home , lien for services rendered	HB 2am

Governor

and council, authority to secure federal funds for capital improvements; transfer of funds	HB 25
budget address, joint convention to hear	SR 8
canvass of votes by Senate and House joint convention	SR 6
commission on alcohol and drug abuse prevention and treatment fund, 2009 operating budget note deleted; appropriation lapsed	HB 2am
consolidation of state agency administrative functions, plan required	HB 635
joint convention with House to hear report of committee appointed to compare and count votes for governor and council, for the Inauguration of the governor, and taking of the oath by the council	SR 7
proclamations, General John Stark Day, 4 th Monday in April, schools encouraged to commemorate	HB 444
proclamations, Granny D Day, January 24, 2012	SB 173
proclamations, NH history week, third week in October	HB 585
proclamations, Patriot Day, September 11, proper observance	HB 56
required to reduce total appropriations for state employee compensation and benefits by certain amount for the biennium	HB 2
veto, abortion, minors, parental notification required; emergency exception or judicial authorization; penalties	HB 329
veto, criminal code, justification, no duty to retreat, deadly force in defense of a person if in a place where the person has a right to be; civil immunity	SB 88
veto, education, school districts required to work with parents to provide alternatives to any material the parent finds objectionable	HB 542am
veto, elections, voter identification, photo id required to obtain ballot, provisional ballot voting procedure	SB 129
veto, fire-sprinkler systems, automatic, towns may not require in detached one or two-family residences	SB 91
veto, fire sprinkler systems, planning boards may not require in one or 2 family residences	HB 109am

Governor (cont.)

vetoed, labor, minimum wage, federal rate adopted	HB 133
vetoed, men, commission on the status, reinstated; duty added	HB 380
vetoed, motor vehicles, title loans, interest rate and renewal provisions amended	SB 57
vetoed, rail transit authority duties modified to study only of cost-benefit analysis of developing commuter rail	HB 218
vetoed, regional greenhouse gas initiative cap and trade program repealed; use of funds clarified	SB 154
vetoed, retirement system, comprehensive changes	SB 3
vetoed, right to work, union membership requirement prohibited; employees freedom of choice; fair share fees prohibited	HB 474
Governor's commission on disability	
client assistance program, appropriation for administration transferred to NH Disability Rights Center	HB 2
committee on architectural barrier-free design reinstated	HB 390
Granite state college , added to UNH system corporate charter; student member of board of trustees	HB 386
Granite state scholars , criteria, SAT scores amended; date for distribution of matching funds to institutions changed	SB 45
Granny D Day , January 24, 2012, proclaimed by governor	SB 173
Guardian ad litem	
board, and services, performance audit required	HB 614
compensation when parties are indigent, special fund removed; supplemental appropriation to judicial council	HB 2
regulation by supreme court repealed; marital cases, compensation, special fund abolished	HB 634
Guardians , of minors, orders of notice sent by courts, costs paid by petitioner; ex parte orders, court to be furnished with names and addresses of persons required to receive notice	SB 34
Guide dogs , defined as service animals	HB 398

H

Haddock , Doris, Granny D Day, January 24, 2012, proclaimed by governor	SB 173
Hampstead Hospital , waiver to exclude from Medicaid enhancement tax	SB 165
Hampton-Exeter district court , permanent siting, deadline extended	SB 36
Handguns . See: Pistols and revolvers	
Handicapped . See: Developmentally disabled: Disabled	
Haseltine Street , Plaistow, reclassified and renamed	HB 558
Hawkers and peddlers , sale of artificial flowers and miniature flags, prohibition repealed	HB 142
Hazardous materials , transportation advisory committee responsibilities transferred to emergency preparedness and security advisory committee	HB 392
Hazardous waste	
and hazardous materials transportation, responsibility transferred from motor vehicles division to state police division	HB 188
high-level radioactive waste act repealed	HB 2
Health and human services	
advisory board repealed	HB 390
American Recovery and Reinvestment Act of 2009, Medicaid quality incentive program, additional payment to nursing facilities	HB 2am
and revenue administration, medical assistance memorandum of understanding renewed; exchange of information	HB 2
appropriation reduction in event of revenues being less than estimated	HB 1
behavioral health bureau, contracts with Dartmouth Psychiatric Research Center or Behavioral Health Policy Institute prohibited	HB 2am

Health and human services (cont.)

cancer, comprehensive cancer plan fund administered by	SB 72
capital improvements appropriation; lapse dates extended	HB 25
catastrophic illness program repealed	HB 2
child in need of services petition, consent of the department required	HB 2am
children, abused or neglected, alcohol and drug testing, costs not covered	HB 2
children, youth, and families division, services, placements, and programs, rates maintained as of June 30, 2011	HB 2
child support, payments to administrative office of the courts	HB 1
commissioner, and administrative services commissioner, request for information on feasibility of unifying public payers of health care benefits in a single pharmacy benefits manager	HB 642
commissioner and information technology commissioner, required to hire a consultant to review the state's Medicaid management information system (MMIS) implementation project; reports	HB 2am
commissioner, and insurance commissioner, consultation in review of health care facility construction needs	HB 2
commissioner, and safety commissioner, reduced fee negotiated for criminal history checks for health and human services employees, service providers, and day care providers	HB 2
commissioner, authority to fill unfunded positions	HB 2
commissioner, contract with health information organization to administer grant for NH information exchange planning and implementation project	HB 489
commissioner, emergency assistance program for aid to families with dependent children, authority removed	HB 2am
commissioner, memorandum of understanding with corrections commissioner and attorney general to address issues regarding adults with developmental disabilities who may present a risk to the community; inter-departmental team	SB 51
commissioner, non TANF two-parent families with dependent children, authority to transfer cases between employment and assistance programs removed	HB 2am
commissioner, operating and service consolidation initiatives required; staff reductions; reporting requirements	HB 2
commissioner, personnel transferred or reassigned, notice to administrative services so changes are reflected in state's payroll and financial systems accounts	HB 2
commissioner, public assistance, earned income disregard for permanently and totally disabled, rulemaking amended	SB 198
commissioner, removed from healthy kids corporation board	HB 2am
commissioner, services to children limited to those with serious emotional disturbance and who have interagency involvement	HB 2am
commissioner, uninsured health care database repealed	HB 629
community mental health services, low service utilization, benefits per person limited; waiver	HB 2
contract consolidation for acquisitions and for services to clients; quarterly reports	HB 2am
contract consolidation to minimize overhead and administrative costs; quarterly reports	SB 151
contract for community mental health programs, performance standards required	HB 2am
contracts for high intensive neonatal and pediatric care with NH hospitals unless none are available; new rate structure required	HB 2am
developmental services and behavioral health services, budget reductions, implementing and reporting requirements	HB 2am
developmentally disabled, wait list, full funding suspended for the biennium	HB 2
drug and alcohol services bureau merged into behavioral health bureau	HB 2am
drug rebates-regular care, funds over certain amount credited to general fund	HB 2am
elderly and adult services, nursing services, 2009 operating budget note deleted; appropriation lapsed	HB 2am

Health and human services (cont.)

environmental services water quality laboratory transferred to	HB 2
family services, juvenile prevention programs and incentive grants	
repealed	HB 2
financial or medical assistance, priority of claims against an estate	
amended	HB 2am
general fund monies not allocated to support ServiceLink resource centers	HB 2am
if revenue exceeds estimates, plan to make uncompensated care	
payments to hospitals in fiscal 2013	HB 2am
long-term care, eligibility assessment, use of new tool, requirement for	
review and approval repealed	HB 2
long-term care, portion of nursing home quality assessments may be	
used for	HB 2
marijuana, administration of medical use	HB 442
Medicaid, approval sought for parent to provide home health aide	
services for children who are medically fragile or with chronic	
illness, pilot program	HB 2am
Medicaid, enhancement tax accounting unit and receipt account	
transferred to revenue administration	HB 2am
Medicaid, enhancement tax, uncompensated care fund, allocation and	
use modified	HB 2
Medicaid, healthy kids managed care program, transition from healthy	
kids corporation; reports required	HB 2am
Medicaid, hospital outpatient reimbursement and commissioner's	
authority amended	HB 2am
Medicaid, managed care administrator, duty as program administrator	
for the state children's health insurance program (S-CHIP),	
transferred from healthy kids corporation	HB 2am
Medicaid, managed care program required	SB 147
Medicaid, managed care program, update reports to fiscal committee	
required	HB 2am
Medicaid, recipient to notify department of petition for spousal support	
in divorce proceeding	HB 2am
Medicaid, services for persons with severe mental disabilities, region 6,	
contract with specific program required	HB 2
Medicaid, state plan amendment, to operate children's health insurance	
program	HB 2
Medicaid, state plan amendment, to suspend catastrophic aid payments	
to hospitals	HB 2
Medicaid, state plan amendment, to suspend direct graduate medical	
education payments to hospitals	HB 2
Medicaid, state plan amendment, to suspend indirect graduate medical	
education payments to hospitals	HB 2
Medicaid, waiver sought to provide services to	
the severely mentally disabled through a prepaid health plan	HB 2
medical assistance, coverage of medically necessary services and items	
repealed	HB 2am
medical assistance, responsibility of parent or spouse when recipient	
is under age 21	HB 2
medical director, position suspended	HB 2am
mental health, nonemergency involuntary admissions, court may order	
a copy of the psychiatric evaluation be furnished to the	
receiving facility	HB 431
mental health services, discharge for persons not demonstrating	
functional impairments described in certain rules	HB 2am
mental illness, person charged with certain violent crimes, found	
incompetent to stand trial, and civilly committed, discharge	
to the community, notifications clarified	SB 123
not liable for expenses at NH hospital or for alcohol and drug testing	
under child protection act	HB 2am
nursing homes, emergency receivership procedures	HB 479
performance measurement system pilot program required	HB 508

Health and human services (*cont.*)

- program eligibility standards or benefit levels not changed in the
biennium; additional revenue may be spent; transfer of fundsHB 2
- reimbursements office, liens to recover for services by NH hospital,
Glenciff home, and other state programsHB 2am
- shelter care, funding continued for Midway Shelter in Bradford, Antrim
Girls Shelter, and North Country Shelter Care in JeffersonHB 2am
- social services block grant for elderly and adult clients, income eligibility
raised by annual cost of living adjustments to benefitsHB 2

Health care

- facilities, certificate of need review board reinstatedHB 390
- facilities, construction, insurance commissioner to conduct review of
needs; reportHB 2
- facilities, residential, emergency receivership proceduresHB 479
- Lyme disease, board of medicine statement on website that physicians
will not be subject to disciplinary action for treating with
long-term antibioticsHB 295
- medical records, health information organization established for the
electronic exchange of health information; powers and dutiesHB 489
- Patient Protection and Affordable Care Act of 2009, attorney
general required to join lawsuit challengingHB 89
- transfer of critically ill patient from one hospital to another, exception
allowing only one provider to ride with the patient repealedHB 58
- uninsured health care database repealedHB 629

Health maintenance organizations

- coverage for ambulance services, payments may be directly to providersHB 31
- insurance companies, hospitals, or health
service corporations may operate, certificate of authority and
compliance with all provisions of HMO chapter requiredHB 95

Health service corporations

- coverage for ambulance services, payments may be directly to providersHB 31
- may operate HMOs, certificate of authority and compliance with all
provisions of HMO chapter requiredHB 95

Health services planning and review board. See: Certificate of need

Healthsouth Rehabilitation Hospital, waiver to exclude from

- Medicaid enhancement taxSB 165

Healthy kids corporation

- board, membership reduced; staff costs funded from private fundsHB 2am
- duty as program administrator for the state children's health insurance
program (S-CHIP), transferred to health and human services
Medicaid managed care program administratorHB 2am
- health and human services commissioner report on coverage options for
certain childrenHB 2am
- transition of healthy kids program to health and human services
Medicaid managed care program;
reports requiredHB 2am

Heating system certification, advisory committee reinstatedHB 390am

Henry Laramie wildlife management area, renamed from Enfield

- wildlife management areaHB 167

Heritage collections committee

- state, duties taken over by joint legislative historical committeeHB 114am
- state, repealedHB 390

High-level radioactive waste act, repealedHB 2

Highway fund

- allocation of percentage to safety department suspendedHB 2am
- balance, transportation commissioner status reports to various
committees and governor and councilHB 1
- capital improvements appropriations for administrative services,
transportation, and safety departmentsHB 25

Highway fund (cont.)

estimate of unrestricted revenue	HB 1
fees from Unified Carrier Registration System, deposited in	HB 277
safety department appropriation reductions; bi-monthly reports	HB 1am
transfers to DRED to fund operations of 4 existing rest areas in Colebrook, Lebanon, Shelburne, and Littleton	HB 1am
transportation department appropriation reductions	HB 1am

Highways

Best Management Practices for Routine Roadway Maintenance, excavating, permit by notification for towns that follow	SB 21
Best Management Practices for Routine Roadway Maintenance, excavating, permit by notification for towns that follow	HB 621
bridges, Sarah Mildred Long Bridge, Maine-NH interstate bridge authority repeal repealed	HB 2
bridges named, Corporal Timothy Gibson, U.S.M.C. Memorial Bridge in Merrimack	HB 525
classification, Depot Street, Andover	HB 363
classification, Haseltine Street, Plaistow	HB 558
excavation and restoration, surety bond requirements for vehicles to be equitably and reasonably applied	SB 104
I-95 turnpike service plaza in Hampton, commissioner authorized to acquire land	HB 2
Manchester Airport access road named for Raymond Wieczorek	SB 195
rest areas and welcome centers, DRED visitor service bureau to administer	HB 2
transportation department, state infrastructure bank, revolving loan program to finance eligible transportation projects	SB 159
welcome centers, highway and turnpike, transfers between appropriations authorized	HB 2am
10 year plan, Pettingill Road project added	SB 101
Historical records advisory boards , reinstated	HB 390
Historical resources , division transferred to secretary of state	HB 2am
Homeland security division director , nuclear emergency response plan, duties transferred from fire safety and emergency management director	HB 392
Homeless shelters , funding continued for Midway Shelter in Bradford, Antrim Girls Shelter, and North Country Shelter Care in Jefferson	HB 2am
Homeowners' associations , study committee on laws, duty added	SB 54am
Homestead , right, to protect against every type of claim and judgment whether at law or in equity	HB 305
Homicide , capital punishment, home invasion murders	HB 147
Hooksett police commission, town may vote to rescind	SB 11
service area development project, quarterly reports by transportation department	HB 25am
Horses , racing, monies received, disposition	HB 2
Hospital NH, contract for psychiatric service not to allow or fund contractor indirect costs greater than 10%	HB 1am
NH, health and human services not liable for expenses under the child protection act	HB 2am
NH, lien for services rendered	HB 2am
NH, revolving funds, temporary depository accounts for education programs and emergency preparedness events	HB 2
Hospitals certificate of need review board reinstated	HB 390
construction, insurance commissioner to conduct review of needs; report	HB 2

Hospitals *(cont.)*

- high intensive neonatal and pediatric care, health and human services
 - contracts with NH hospitals unless none are available; new
 - rate structure requiredHB 2am
- may operate HMOs, certificate of authority and compliance with all
 - provisions of HMO chapter requiredHB 95
- Medicaid state plan amendment, to suspend catastrophic aid paymentsHB 2
- Medicaid state plan amendment, to suspend direct graduate medical
 - education paymentsHB 2
- Medicaid state plan amendment, to suspend indirect graduate medical
 - education paymentsHB 2
- transfers of critically ill patient to another facility, exception allowing only
 - one provider to ride with the patient repealedHB 58
- uncompensated care fund, allocation and use modifiedHB 2
- uncompensated care, health and human services, plan to make payments
 - if revenue exceeds estimates in fiscal 2013HB 2am

Hotels. See: Inns, hotels, and motels

House of Representatives

- intent to consider and support bills tabled if state revenues exceed
 - adopted estimatesHB 2am
- primary candidates may file with secretary of stateHB 42

Housing

- and conservation planning program in energy and planning office repealedHB 2am
- carbon monoxide detection devices, not required if housing does not
 - have an attached garage or combustion fuel appliancesHB 317
- congregate, and services, suspendedHB 2am
- foreclosures, short sales defined; foreclosure consultants exempted from
 - regulation; disclosures requiredSB 111
- workforce, opportunities, municipal approval requiredHB 368

Human subjects, committee for the protection of, reinstatedHB 390

Hunting. See: Deer, hunting; Fish and game, hunting

I

Immigration. See also: Aliens

Immunizations, administered by pharmacists expanded; requirementsSB 93

Independent contractors, registration with secretary of state for

- workers' compensation purposesSB 191

Individuals with Disabilities Education Act, special education, schools

- to meet only minimum requirementsHB 2am

Information technology

- appropriation reductions to agree with income received from state agency
 - appropriations; pilot program to use open source softwareHB 1
- capital improvements appropriationHB 25
- commissioner, and health and human services
 - commissioner, required to hire a consultant to review the state's
 - Medicaid management information system (MMIS)
 - implementation project; reportsHB 2am
 - commissioner, salary establishedHB 2am
- council, membership, agency heads may appoint designeesHB 119
- council reinstatedHB 390
- position established for implementing business one stop project;
 - appropriationHB 1
- state policy based on open source software, open data formats, and
 - open government data standardsHB 418
- technical support services to any agency not discontinued, except at the
 - request of the agencyHB 2am
- transfers among accounts authorizedHB 2am

Innovation business job growth program, established to promote

- investment in certain venture capital fundsHB 605

Inns

hotels, and motels, operation of bingo games without a license allowed; conditions	SB 136
hotels, and motels, operation of bingo games without a license allowed; conditions	HB 348am

Insurance

accident and health, ambulance services, payments may be directly to providers	HB 31
accident and health, coverage, required prohibited	SB 148
accident and health, coverage for bone marrow transplants testing clarified; testing facility shall not bill the covered person	HB 31am
accident and health, coverage for certain dental services required	HB 175
accident and health, employee leasing companies procuring, study	SB 89am
accident and health, federal health care reform, attorney general required to join lawsuit challenging	HB 89
accident and health, federal health care reform, general court to determine any policy regarding implementation if NH is required to implement; joint health insurance reform oversight committee established	SB 162
accident and health, federal health care reform, health benefits exchange to facilitate purchase and sale of qualified health plans	SB 163
accident and health, federal health care reform, state insurance mandates that exceed its "essential benefits" not available to the insured	HB 627
accident and health, healthy kids corporation, health and human services commissioner report on coverage options for certain children	HB 2am
accident and health, judges, retired and under age 65, premium contribution increased	HB 2am
accident and health, managed care plans, expedited process for prescription drug pain medications	SB 171
accident and health, portability, definition of qualified association trust modified	SB 119
accident and health, preexisting conditions, exclusion requirements	HB 175
accident and health, purchase from out-of-state companies authorized	SB 150
accident and health, purchasing alliances, qualified, membership criteria amended	SB 179
accident and health, retirement system, cost containment plan and implementation by administrative services commissioner	HB 2am
accident and health, state children's health insurance program (S-CHIP), transferred from healthy kids corporation to health and human services	HB 2am
accident and health, state employees, health savings accounts, administrative services commissioner to develop proposal	SB 143
accident and health, state employees, plan, general court members, administrative services to invoice and collect payments	SB 152
accident and health, state employees, retired and under age 65, premium contribution increased	HB 2am
accident and health, state employees, retired and under age 65, procedures for administrative services to collect payments	SB 33
accident and health, state employees, retired, total general fund cost limited	HB 231
accident and health, state employees, retired, years of service and age requirements amended	SB 3
accident and health, state employees, retired, years of service and age requirements amended	HB 2am
accident and health, uninsured health care database repealed	HB 629
companies, may operate HMOs, certificate of authority and compliance with all provisions of HMO chapter required	HB 95
department, banking department, and securities regulation bureau of the secretary of state's office, improving communications and confidentiality, study	HB 102
department, commissioner, federal health care reform implementation, joint oversight committee to supervise	HB 601

Insurance (cont.)

- department, commissioner, review of health care facility construction
needs; report HB 2
- department, commissioner, transactions under jurisdiction, exemption
from consumer protection act repealed SB 186
- department, insurance bulletin INS no. 10-008-AB suspended SB 89am
- fraud, financial, restitution fund for victims SB 185
- liability, motor vehicles. See: Motor vehicles, liability insurance
- life, and accident and health, technical corrections HB 175
- life, forms, disapproval by insurance commissioner HB 175
- life, life settlements act, amendments SB 74
- nonadmitted and surplus line, collection and disbursement of premium
taxes enabled HB 424
- premium tax, collection and disbursement for nonadmitted and surplus
line insurance HB 424
- property or casualty, certificates, law relative to content and form
established HB 419

Interest

- rate on late property tax payments reduced HB 457
- rate on motor vehicle title loans amended SB 57

Intermediate care facilities. See: Nursing homes

- Internal Revenue Code**, section 179 applied to business profits tax
expense deductions SB 155

- International agreements**, Congress and President required to reaffirm
allegiance to the Constitution by severing commitments to
agreements and treaties that have not been subjected to
congressional authority
and oversight HCR 6

- International fuel tax agreement**, administration transferred from safety
department motor vehicles division to administration division HB 188

- International registration plan**, trucks, revised SB 98

- International trade agreements**, Congress, urged to withdraw the
United States from the North American Free Trade Agreement
(NAFTA) HCR 12

Internet

- included in state agency notices publication for statewide circulation HB 2
- state transparency website, state agency expenditure information
posted; exemption from disclosure HB 331

Interstate compacts

- international registration plan, trucks, revised SB 98
- juveniles, most recent version adopted HB 490
- Maine-NH interstate bridge authority repeal repealed HB 2

Investments

- assets in Sudan, divestiture by retirement system and judges retirement
plan, requirement repealed HB 491
- by county treasurers of excess funds in units of pooled money market
mutual funds which invest solely in obligations of the US Treasury HB 198

- Iraq and Afghanistan Wars**, NH soldiers killed, Corporal Timothy Gibson,
U.S.M.C. Memorial Bridge in Merrimack named HB 525

J

Jails. See: Corrections

- Jefferson**, North Country Shelter Care, funding continued HB 2am

Jericho Mountain state park

- trails, OHRV size and weight limitations increased SB 100
- visitor center named for Robert Danderson SB 106

- Job training program**, for economic growth grant review committee reinstated HB 390

Johnson, Carl and Jeannette, Johnson Bay in Lake Winnepesaukee named	SB 85
Johnson Bay, in Lake Winnepesaukee named	SB 85
Joint board of licensure	
accountants, manufactured housing installers, real estate appraisers, and manufactured housing board administrative functions added	HB 2
administrator, duties	HB 2am
Joint Underwriting Association, state may not take any funds held by; excess funds belong to policyholders and shall be returned to them; future of the Association, study	
	SB 170
Judges	
numbers for the biennium not to exceed 18 for superior courts and 28 for the circuit courts	HB 2am
retired and over age 70, only judicial referee service allowed	HB 511
retirement plan, divestiture of assets in Sudan, requirement repealed	HB 491
retirement plan, persons retired and under age 65, health insurance premium contribution increased	HB 2am
retirement plan, unfunded accrued liability, method of financing	HB 299
retirement plan, unfunded accrued liability amended; employer contribution rates recalculated	HB 2am
superior or probate courts, petition to marry by underage party, application transferred to judicial branch family division	SB 34
Judgments, civil cases, offer of judgment, rejection may result in requirement to pay all costs and attorney fees	
	HB 254
Judicial branch	
additional general fund appropriation reduction	HB 2am
appropriation reductions: quarterly status report on implementation of recommendations in innovation commission report	HB 1
capital improvements appropriation	HB 25
employees transferring to service in executive or legislative branch, benefits transferred at rate of accrual according to continuous years worked and of the receiving branch	HB 150
family division, marital masters, NH residency required	HB 510
family division, petition to marry by underage party, application transferred from superior or probate court judge	SB 34
family division, replaced with circuit court family division	HB 609
family division, rules of evidence adopted	HB 259
Judicial council	
guardian ad litem and marital mediators, payment of fees	HB 634
no liability for expenses of guardians ad litem or mediators; supplemental appropriation for fiscal year 2011	HB 2
not liable for expenses of assigned counsel in abused or neglected children cases; payments from mediation and arbitration fund	HB 2
Juries, nullification, right to judge the application of the law in relationship to the facts in controversy	
	HB 146
Justice department	
appropriation reductions; quarterly reports	HB 1am
expenditure of funds for the purpose of legal action against the general court prohibited	HB 2am
occupational boards or commissions seeking counsel or assistance, reimbursement required	HB 2am
outside counsel must have business offices in NH	HB 2am
revenue assistant position established	SB 23
Juvenile delinquents	
court-ordered diversion programs, consents required	HB 313
interstate compacts, most recent version adopted	HB 490
statutes, study	HB 168

K**Keene**

- district court to remain open, judicial branch to pay all costsHB 2am
- district court to remain open, judicial branch to pay all costsHB 438

Kerosene, home-heating guaranteed price plans and prepaid contracts,

- methods of securing prepaid deposits amended SB 197

Kimberly L. Cates law, death penalty for home invasion murdersHB 147**Kindergarten**

- construction program, bonds authorizedHB 2am
- construction program, eligibility requirementsHB 2am

Knives, exclusive jurisdiction of state to regulateHB 544**L****Labor**

- apprenticeship advisory council reinstatedHB 390
- citizens job protection, misuse of Social Security numbers, civil cause of
 - action against various persons; treble damagesHB 158
- county employees, discharge procedures not applicable to part-time,
 - seasonal, or infrequent employeesHB 594
- department, business regulations (rules), studyHB 248
- department, commissioner, violations of law by employers, civil penalty,
 - one warning issued prior to imposing a fine; exceptions;
 - rulemaking SB 86
- department, commissioner, workers' compensation, health care services,
 - medical fees and reimbursement levels based on Medicare;
 - rulemaking SB 71
- department, operations funded through restricted fund rather than general
 - fund; fees, licenses, certificates and civil penalties to the
 - restricted fundHB 2
- disabled workers, practical experience/training program; sub-minimum
 - wage or no wage allowed; cannot displace an existing or
 - laid-off workerHB 401
- employee leasing companies, leasing company and client company,
 - responsibilities clarified SB 89
- employee leasing companies, procuring health insurance, study SB 89am
- independent contractors required to register with secretary of state for
 - workers' compensation purposes SB 191
- innovation business job growth program established to promote
 - investments in certain venture capital fundsHB 605
- insurance, accident and health, purchasing alliances, qualified,
 - membership criteria amended SB 179
- job training program for economic growth grant review committee reinstatedHB 390
- minimum wage, federal rate adoptedHB 133
- minimum wage, tip pooling arrangements amended SB 49
- prior notice of plant closing or mass layoffs, applicable to employers of
 - 100 or more workers SB 121
- public employees, collective bargaining, agreements, studyHB 580am
- public employees, collective bargaining, automatic continuation clause
 - (evergreen) local option, study SB 73
- public employees, collective bargaining, automatic continuation clause
 - (evergreen) repealed SB 1
- public employees, collective bargaining, bargaining units must have at
 - least 10 membersHB 185
- public employees, collective bargaining, certification of union representative
 - by written majority authorization repealedHB 589
- public employees, collective bargaining, impasse at expiration of old
 - agreement, all employees at-will; salaries, benefits, and terms
 - and conditions at discretion of the employerHB 2am
- return to work program participants exempt from the definition of
 - employment; requirements for participation SB 62

right to work, union membership requirement prohibited; employees freedom of choice; fair share fees prohibited	HB 474
state employees, collective bargaining, contract cost items, legislative approval required	SB 4
state employees, retired, definition of part-time employment	SB 75
unions, campaign contributions and expenditures, reporting requirements	SB 169
wages, withholding for any mutually agreed upon purpose	HB 647
Laconia state school property. See: Lakes region facility	
Lake Winnepesaukee	
boating speed limit increased in certain areas	SB 27
Johnson Bay named	SB 85
Lakes region facility, sale to the city of Laconia, Belknap county, or other parties; appropriation for land preparation and consultants; proceeds to revenue stabilization reserve account	
	HB 2am
Lamprey River	
instream flow rules, pilot program extended	HB 63
segments protected; portions excepted from setback provisions of the shoreland protection act	HB 149
Land and community heritage investment program	
register of deeds surcharge, amount over \$120,000 to general fund	HB 2
Land appeals. See: Tax and land appeals board	
Landlord and tenant	
eviction proceedings, tenant must pay rent on a weekly basis	SB 44
manufactured housing parks, fee for exceeding occupancy rate amended	HB 322
property left by departing tenant, landlord responsible for 7 days after premises are vacated; damages for violation limited	SB 70
protected utility services clarified	HB 141am
restricted property, landlord's agent or person to accept service of process, failure to notify town clerk, civil penalty repealed	SB 70am
service of process on commercial tenants, procedure	HB 173
Land sales full disclosure, application fees reduced	HB 2am
Land use	
current use advisory board, membership qualifications amended	HB 46
integrated land development permit established in environmental services	SB 142
Laramie, Henry, Enfield wildlife management area renamed Henry	
Laramie wildlife management area	HB 167
Law enforcement	
officers, audio or video recording in the course of their official duties permitted	HB 145
officers, complaints, oath requirement removed for class B misdemeanors; signature required	SB 64
officers, drug take-back programs may be established; guidelines established by rule	HB 71
officers, killed in the line of duty, medical benefits for beneficiaries amended	SB 166
police dogs, limitation on liability, certification by New England State Police Administrators Compact	HB 79
stations, list of professional bondsmen provided by secretary of state, requirements; no other list to be displayed	SB 63
Laws, enrollment process amended	SB 196
Legislative branch	
appropriation reductions	HB 1
2012-2013 operating budget, certain appropriations lapsed	HB 2
Legislative budget assistant	
bills and resolutions, fiscal note to include performance standard note to identify standards and outcomes	HB 520
performance audit of guardian ad litem board and services	HB 614
performance audits, revenue administration confidentiality of records clarified	HB 579

Liability

- limited, municipalities, for damages caused by dogs HB 532
- limited, police dogs certified by New England State Police Administrators HB 79
- Compact

Licenses

- drugs, prescription, reverse distributors defined HB 504
- firearms, pistols and revolvers, to carry, not required; non-residents, requirements amended HB 330
- fish and game. See: Fish and game, licenses
- foresters, expiration date amended HB 92
- gambling, game operators SB 136
- gambling, game operators HB 348am
- marriage, fee reduced; designation of portion to general fund removed HB 2am
- marriage, reference to 3-day waiting period removed; certified copy of divorce decree or death certificate, requirement clarified SB 176
- meals and rooms tax operators, renewal fee repealed HB 2am
- new or increased rate, 2/3 vote required CACR 6
- pets, sale or transfer, fee reduced HB 2am
- real estate brokers and salespersons, inactive status clarified HB 47
- veterinarians, issued biennially HB 2am
- veterinarians, reciprocity for holders of certification from Program for the Assessment of Veterinary Education Equivalence (PAVE) HB 30

Liens

- for services rendered at NH hospital, Glencliff home or other state institutions, filed by health and human services office of reimbursement HB 2am
- taxes, interest rate on redemption reduced HB 457

Life settlements act, amendments SB 74

Limitation of liability. See: Liability, limited

Limited liability companies, business profits tax deductions for reasonable compensation, standards and burden of proof modified SB 125

Liquor commission

- and transportation department, Hooksett north and south store additions, quarterly reports HB 25am
- capital improvements appropriation; lapse dates extended HB 25
- capital improvements appropriation, 2009, amended HB 25am
- capital improvements appropriation, 2009, amended to permit improvements to existing stores SB 61
- employee recognition incentive program HB 2
- enforcement, licensing, and education, transfer to safety department repealed HB 88
- I-95 turnpike service plaza in Hampton, responsibilities regarding rest areas HB 2
- sales, payment to alcohol abuse prevention and treatment fund suspended HB 2
- state stores, temporary authorized HB 2

Little River, segment protected HB 149

Loans

- installment, defined and regulated; successor to payday loans SB 160
- motor vehicle title, interest rate and renewal provision amended SB 57

Lobsters, licenses, criteria for continuing to receive a license revised; fees amended; landing licenses HB 571

Lobster tails, processing and possession only for distribution outside the state HB 571

Londonderry, Pettingill Road project added to 10 year transportation plan SB 101

Long, Sarah Mildred, Bridge, Maine-NH interstate bridge authority repeal repealed HB 2

Long-term care

- eligibility assessment, use of new tool, requirement for review and approval repealed HB 2
- facilities, participation in unused prescription drug program HB 426
- portion of nursing home quality assessments may be used for HB 2

Lottery commission

eliminated	SB 138
employee recognition incentive program; increased retailer commissions for exceeding previous year's sales	HB 2
fiscal committee approval of new programs and consultants; transfer of funds	HB 1
gambling, video lottery and table gaming at four locations	SB 182
prohibited from authorizing new electronic gambling machines or devices	HB 348
Lower Exeter/Squamscott River, segments protected	HB 555
Low-income persons, unused prescription drug program, donations by manufacturers, wholesalers, nursing homes, long-term care or correctional facilities added	HB 426
Lucky 7, charitable organizations, payment to distributor and financial report requirements	SB 136
Lyme disease, board of medicine statement on website that physicians will not be subject to disciplinary action for treating with long-term antibiotics	HB 295

M

Madison amendment, Congress, urged to call a Constitutional convention for the sole purpose of voting only on a specific amendment	SCR 1
Maine-NH interstate bridge, authority repeal repealed	HB 2
Malpractice	
medical, definition of unanticipated outcome; expression of apology or fault not evidence of admission of liability	SB 17
medical, Joint Underwriting Association, state may not take any funds held by; excess funds belong to policyholders and shall be returned to them	SB 170
medical, medical malpractice panel and insurance oversight committee reestablished	SB 12
medical, screening panels, member qualifications, same impartiality as jurors required	HB 51
Managed care	
plans, expedited process for prescription drug pain medications	SB 171
program for Medicaid, health and human services update reports to fiscal committee required	HB 2am
Manchester	
Airport access road named for Raymond Wieczorek	SB 195
retirement system, accidental and ordinary death benefits amended	SB 127
Manicurists, unlicensed practice, penalty reduced; regulation does not apply to services to family and friends for no compensation	HB 450
Manufactured housing	
board, administrative functions transferred to joint board	HB 2
installation standards board, administrative functions transferred from safety department to joint board	HB 2
installation standards board, meetings, time changed; installers surety bond may be paid by employer	SB 116
parks, fee for exceeding occupancy rate amended	HB 322
warranty seal, licensed installer may attach	SB 116
Margarine, labeling for sale of broken packages and notice for serving colored oleomargarine repealed	HB 333
Marijuana, medical use, protections; administration; alternative health centers	HB 442
Marine patrol, transferred from safety services to state police division	HB 2am
Marital masters	
contracts, new or renewed, prohibited	SB 198am
NH residency required	HB 510

Marriage

- license, reference to 3-day waiting period removed; certified copy of
divorce decree or death certificate, requirement clarified SB 176
- license fee reduced; designation of portion to general fund removedHB 2am
- petition by underage party, application to judicial branch family division
rather than superior or probate court judge SB 34

Mascoma River, segments protectedHB 336

McAuliffe-Shepard Discovery Center

- capital improvements appropriation; lapse dates extendedHB 25
- transition to fiscal self-sufficiency, appropriationHB 2

Meals and rooms tax

- bill tabled, intent of House to consider and support if state revenues
exceed adopted estimatesHB 2am
- distribution to cities and towns, funding levelsHB 2
- distribution to DRED travel and tourism development division suspendedHB 2am
- exemptions, income from rental of vacation home SB 80
- operators, license renewal fee repealedHB 2am
- operators, percentage retained increased for 2 years SB 167
- rate reduced; distribution to cities and towns amended SB 149
- technical corrections SB 40

Meat inspection program, fund and fees established in agriculture

- departmentHB 339

Mediators, compensation when parties are indigent, special fund removed;

- supplemental appropriation to judicial councilHB 2

Medicaid

- consultant review of Medicaid management information system (MMIS)
implementation project; reportsHB 2am
- enhancement tax, accounting unit and receipt account
transferred from health and human services to revenue
administrationHB 2am
- enhancement tax, uncompensated care fund, allocation and use modifiedHB 2
- enhancement tax, waiver to exclude Hampstead Hospital, Healthsouth
Rehabilitation Hospital, Northeast Rehabilitation Hospital, and
New Hampshire Hospital SB 165
- health and human services required to establish a managed care program SB 147
- health and human services to seek approval for parent to provide home
health aide services for children who are medically fragile or
with chronic illness, pilot programHB 2am
- healthy kids managed care program, transition from healthy kids
corporation; reports requiredHB 2am
- hospital outpatient reimbursement and health and human services
commissioner's authority amendedHB 2am
- managed care program, update reports to fiscal committee requiredHB 2am
- mental health payments limited for those who do not have a severe
mental disabilityHB 2am
- quality incentive program, additional payment to nursing facilities from
American Recovery and Reinvestment Act of 2009 fundsHB 2am
- recipient to notify health and human services of petition for spousal
support in divorce proceedingHB 2am
- state plan amendment, to operate children's health insurance programHB 2
- state plan amendment, to suspend catastrophic aid payments to hospitalsHB 2
- state plan amendment, to suspend direct graduate medical education
payments to hospitalsHB 2
- state plan amendment, to suspend indirect graduate medical education
payments to hospitalsHB 2
- uncompensated care fund, rehabilitation hospitals may be excluded SB 165
- waiver sought to provide services to the severely mentally disabled
through a prepaid health planHB 2

Medical assistance

- coverage of medically necessary services and items repealedHB 2am
- memorandum of understanding between health and human services and
revenue administration renewed; exchange of informationHB 2
- nursing home residents, personal needs allowance increasedSB 164
- permanently and totally disabled, conditioned on person filing an
application for federal disability benefits and pursuing appeals
for those benefitsHB 2am
- responsibility of parent or spouse when recipient is under age 21HB 2
- See also: Medicaid.

Medical Malpractice Joint Underwriting Association, state may not
take any funds held by; excess funds belong to policyholders and
shall be returned to them; future of the Association, studySB 170

Medical malpractice panel and insurance oversight committee,
reestablishedSB 12

Medical records, health information organization established for the
electronic exchange of health information; powers and dutiesHB 489

Medicare, workers' compensation, health care services, medical fees
and reimbursement levels based on Medicare; rulemakingSB 71

Medicine

- board of registration, executive director, salary establishedHB 2am
- board of registration, rules regarding disclosure of confidential
information, implementation prohibitedHJR 4
- board of registration, statement on website that physicians will not be
subject to disciplinary action for treating Lyme disease with
long-term antibioticsHB 295

Men, commission on the status, reinstated; duty addedHB 380

Mental health

- community programs, contract for operation or administration,
performance standards requiredHB 2am
- community services, low service utilization, benefits per person limited;
waiverHB 2
- community services, Medicaid waiver sought to provide services to the
severely mentally disabled through a prepaid health planHB 2
- Medicaid payments limited for those who do not have a severe mental
disabilityHB 2am
- Medicaid services for persons with severe mental disabilities, region 6,
contract with specific program requiredHB 2
- practice board, advisory committees reinstatedHB 390
- practice board, rules regarding misconduct investigation, implementation
prohibitedHJR 3
- See also: Behavioral health
- services, discharge for persons not demonstrating functional impairments
described in certain health and human services rulesHB 2am
- severely disabled but unable to pay, assessment to prioritize services based
on clinical needs; admission and access to services contingent
on availability of appropriations; discrimination prohibitedHB 2am
- severely disabled but unable to pay, assessment to prioritize services based
on clinical needs; admission and access to services contingent on
availability of appropriations; discrimination prohibitedHB 191

Mental illness, biologically based, reference to S-CHIP program addedHB 2am

Mentally ill

- nonemergency involuntary admissions, court may order a copy of the
psychiatric evaluation be furnished to the receiving facilityHB 431
- person charged with certain violent crimes, found incompetent to stand
trial, and civilly committed, discharge to the community,
notifications clarifiedSB 123

Meredith, Lake Winnepesaukee, Johnson Bay namedSB 85

SUBJECT INDEX

1725

Merrimack , Corporal Timothy Gibson, U.S.M.C. Memorial Bridge named	HB 525
Midway Shelter in Bradford , funding continued	HB 2am
Midwives , emergency obstetrical care, immunity from civil liability; conditions	SB 108
Milford	
district court to remain open, judicial branch to pay all costs	HB 2am
district court to remain open, judicial branch to pay all costs	HB 438
Minimum wage	
federal rate adopted	HB 133
tip pooling arrangements amended	SB 49
Minors	
abortion, parental notification required; emergency exception or judicial authorization; penalties	HB 329
guardianship, orders of notice sent by courts, costs paid by petitioner; ex parte orders, court to be furnished with names and addresses of persons required to receive notice	SB 34
petition to marry by underage party, application transferred from superior or probate court judge to judicial branch family division	SB 34
sports concussions and other concussions received while at school, study	SB 95
under age 21, driver's license, denial or revocation for alcohol or drug involvement, procedures clarified	SB 31
Modular buildings , definition amended	SB 116
Monadnock advisory commission , reinstated	HB 390
Monk parakeets , possession and sale allowed	HB 651
Monuments and memorials	
Corporal Timothy Gibson, U.S.M.C. Memorial Bridge in Merrimack named	HB 525
Franconia Notch forest reservation and memorial park to be undisturbed, as well as burial sites, memorials, and designated historic sites	HB 33
Jericho Mountain state park, visitor center named for Robert Danderson	SB 106
Johnson Bay in Lake Winnepesaukee named for Carl and Jeannette Johnson	SB 85
Kimberly L. Cates law, death penalty for home invasion murders	HB 147
Manchester Airport access road named for Raymond Wieczorek	SB 195
Moped , definition amended	SB 29
Mortgages	
bankers and brokers, first mortgage, definition of loan originator amended	SB 189
bankers and brokers, non-depository first mortgage, licensing exemption for certain property owners	SB 28
foreclosure process, study	SB 109
short sales defined; foreclosure consultants exempted from regulation; disclosures required	SB 111
Mosquito control on state managed land , local abatement plans allowed where a public health threat was in effect in the last 3 years	HB 483
Motor carriers , Unified Carrier Registration System, fees deposited in the highway fund	HB 277
Motor vehicle road toll , administration transferred from safety department motor vehicles division to administration division	HB 188
Motor vehicles	
accidents, county, town, or city owned vehicles subject to right to know law	HB 347
administrative hearings, or district or superior court cases, testimony by video teleconference	HB 478
classification, study	SB 26
commercial, definition amended to exclude certain emergency vehicles at certain times	SB 60
commercial, registration, refusal or revocation, authority expanded	HB 192
division director, motorcycle rider education, separate fee structure for non-residents; rulemaking	SB 66
driver's license, driver education, commercial and private driving schools may receive money from the driver training fund	SB 137

Motor vehicles (cont.)

driver's license, driver education, fund, uses limited; payments to secondary schools or districts removed	HB 2
driver's license, minors under age 21, denial or revocation for alcohol or drug involvement, procedures clarified	SB 31
driver's license, reexamination test at age 75 eliminated	HB 549
drivers, aliens, insurance required	SB 141
DWI, breath analyzer machines advisory committee reinstated	HB 390
engine coolants and antifreeze, sales, aversive agents must be included to render them unpalatable; penalties	SB 55
identification cards, nondriver's, photo id for voting purposes, fee exemption, secretary of state to pay	SB 129
inspections, changed from annual to biennial; sticker fee increased	HB 540
lease-purchase agreements by transportation commissioner authorized	HB 2
mixed use school bus redefined; pupils may be transported in, conditions	HB 172
moped definition amended	SB 29
municipal permits, town clerks, monies remitted to town treasurers, amount that may be deferred increased	SB 15
newly purchased, registrations and title applications, dealers may act as agents of the motor vehicles division	SB 156
number plates, multi-use, established; eligibility; fees	HB 335
operation while viewing an image display device prohibited; exceptions	HB 397
parking, walking disabled, persons with permanent disability may be exempted from submitting proof of disability every 5 years	HB 134
registration, nonresident, vehicles garaged in the state exclusively	HB 399
registration, plan, international, administration transferred from safety department motor vehicles division to administration division	HB 188
registration, surcharge removed	SB 78
stop lights, red, 2-wheeled vehicles may proceed through an intersection after stopping	SB 69
title loans, interest rate and renewal provisions amended	SB 57
trailers, brake requirements, exemptions amended	SB 99
trucks, international registration plan revised	SB 98
trucks, weight, additional allowed for vehicles using idle reduction technology	HB 117
trucks, weight, enforcement transferred from motor vehicles division to state police	HB 188
violations, pleas by mail, fines credited to general fund	HB 2am

Motorcycles

only roadside checkpoints, no agency or political subdivision may accept federal funding to establish	HB 148
rider education, non-residents, separate fee structure	SB 66
stop lights, red, 2-wheeled vehicles may proceed through an intersection after stopping	SB 69
3-wheeled, examinations, endorsements, and fees added	SB 29am

Mount Washington

commission reinstated	HB 390
name may be included in a trademark, but no business may have exclusive use of the name	HCR 22

Mountain Pond dam , Pittsburg, acquisition by fish and game	HB 35
--	-------

Municipal budget law , tax cap provision may be included	SB 2
---	------

Murder , capital punishment, home invasion murders	HB 147
---	--------

N

Nash Stream forest citizens committee , reinstated	HB 390
---	--------

National Governor's Center for Best Practices and Council of Chief State School Officers , common core state standards, education department prohibited from adopting without approval of general court	HB 164
--	--------

National guard	
military justice fines credited to recruitment and retention scholarship fund	SB 140
NH resident killed in combat, provisions for flying US flag at half	
staff provided	HB 132
Natural formations, controlled by the state, naming for any living elected	
or formerly elected official prohibited	HB 603
Navigation safety fund	
appropriation reductions; bi-monthly reports	HB 1am
balance remaining at close of fiscal year lapsed to the general fund	HB 2am
New England Association of Schools and Colleges, full accreditation	
an alternative to demonstrate opportunity for an adequate education ...	HB 130
New England State Police Administrators Compact, police dogs	
certified by, limitation on liability	HB 79
New Markets Tax Credit Program, qualified community development	
entities added to definition of qualified investment company;	
exempt from business profits and enterprise taxes	SB 58
Newborn screening advisory committee, reinstated	HB 390
NH	
Disability Rights Center, appropriation for administration of client	
assistance program of governor's commission on disability	
transferred to	HB 2
health benefits exchange to facilitate purchase and sale of qualified	
health plans under federal health care reform	SB 163
history week, governor's proclamation, third week in October	HB 585
hospital, waiver to exclude from Medicaid enhancement tax	SB 165
public television, any state appropriation made directly, not through	
the UNH system or any other state agency	HB 2am
NH-Maine interstate bridge, authority repeal repealed	HB 2
Nonadmitted and Reinsurance Reform Act of 2010, collection and	
disbursement of insurance premium taxes enabled	HB 424
Nonprofit corporations, directors, chief executive and financial officers,	
annual management training	SB 177
North American Free Trade Agreement (NAFTA), Congress urged to	
withdraw the United States	HCR 12
North Branch River, segment protected	HB 149
North Country facility	
(Berlin), not to close	HB 1am
(Berlin), not to close	HB 2am
North Country Shelter Care in Jefferson, funding continued	HB 2am
North River, segment protected	HB 149
Northeast Rehabilitation Hospital, waiver to exclude from Medicaid	
enhancement tax	SB 165
Nuclear emergency response plan, responsibilities transferred from	
fire safety and emergency management director to homeland	
security division director	HB 392
Nurses	
advanced practice registered, emergency obstetrical care, immunity from	
civil liability; conditions	SB 108
advanced practice registered, may complete medical documentation for	
disabled to hunt with crossbow	HB 93
advanced practice registered, psychiatric mental health, certification required	HB 2
definition amended; nursing assistant registry amended and fund repealed	SB 53
Nursing homes	
and intermediate care facilities, quality assessments, portion may be	
used for long-term care services	HB 2

Nursing homes (cont.)

and other residential care facilities, emergency receivership procedures	HB 479
counties, persons eligible for services, limitation on county payments for fiscal years 2011-2014; prospective repeal repealed; additional credit for long-term care expenditures	HB 2
long-term care, eligibility assessment, use of new tool, requirement for review and approval repealed	HB 2
participation in unused prescription drugs program	HB 426
residents, personal needs allowance increased	SB 164

O

Occupational boards or commissions, seeking counsel or assistance
from justice department, reimbursement required

HB 2am

Off highway recreational vehicles

ATV and trail bike trails, criteria for establishing on state lands, effectiveness, study	SB 107am
ATV and trail bike trails, exemption from evaluation process in Connecticut Lakes headwaters working forest	SB 107
ATV and trail bike trails, highway trail crossings approved by transportation department exempt from evaluation process	SB 105
size and weight increased on Jericho Mountain state park trails	SB 100
utility terrain vehicle defined	SB 100

Official oppression, official acting without purpose to benefit himself or
another added; penalties amended

HB 572

Oil, home-heating guaranteed price plans and prepaid contracts, methods
of securing prepaid deposits amended

SB 197

Old age assistance, person fleeing a state to avoid prosecution or custody,
or violating parole or probation, ineligible to receive aid

HB 2am

Oleomargarine, labeling for sale of broken packages and notice for
serving colored margarine repealed

HB 333

Ombudsman, environmental services land development permit
ombudsman position established

SB 142

Operating budget

fiscal year ending June 30, 2011, any surplus not deposited in revenue stabilization reserve account, but to remain in general fund	HB 2
general funds may not be used to fund public television	HB 113am
state agencies required to submit a reduced spending level alternative	SB 146
2012-2013, trailer bill	HB 2

Optometrists

contact lenses, including plano lenses, prescription required for sale	HB 284
education, student loans repealed	HB 2

Osama bin Laden

members of military and intelligence community who carried out the mission that killed him honored	SR 10
members of military and intelligence community who carried out the mission that killed him honored	HCR 27

Ossipee Lake, natural mean high water mark set

HB 278

Osteoporosis advisory council, repealed

HB 390

Outdoor advertising, alcoholic beverages, towns may vote to prohibit
exterior signs promoting sales at reduced prices

SB 120

Oyster River, segments protected; certain portions exempt from
comprehensive shoreland protection act

HB 44

Parakeets, monk, possession and sale allowed

HB 651

Parental rights

and responsibilities, court ordered counseling, court to consider selecting a counselor who accepts direct payment from the parties' health insurance carrier	HB 174
---	--------

Parental rights (cont.)

- and responsibilities, parenting plan to include legal residence of each parent, exceptions SB 30
- and responsibilities, permanent order, modifications based on best interests of the child, exception for relocation or parenting schedules..... HB 52
- termination cases, appointment of CASA guardian ad litem, payment by judicial council; appointed counsel, financial eligibility guidelinesHB 2am

Pari-mutuel vouchers

- unclaimed, time for remittance to state added SB 136
- unclaimed, time for remittance to state addedHB 348am

Parking, walking disabled, persons with permanent disability may be

- exempted from submitting proof of disability every 5 yearsHB 134

Parks

- state, Franconia Notch forest reservation and memorial park to be undisturbed, as well as burial sites, memorials, and designated historic sites HB 33
- state, fund, revenue from Cannon Mountain deposited in general fund and applied to the negative balanceHB 2am
- state, Jericho Mountain, trails, OHRV size and weight limitations increasedSB 100
- state, Jericho Mountain, visitor center named for Robert Danderson SB 106

Parole

- boards and procedures, studyHB 535
- community supervision programs, availability, study SB 180
- extended term of recommitment for high risk offenders and those convicted of felonious sexual offensesHB 2
- mandatory early release not applicable to persons convicted of violent crimes or sexually violent offenses SB 52
- mandatory early release not applicable to those convicted of violent crimes until corrections commissioner certifies to secretary of state that sufficient services are available HB 524
- sexual offenders or offenders against children, intensive supervision required HB 2

Parrots, Quaker, possession and sale allowedHB 651**Partin, Franklin A., Jr., right to work act adoptedHB 474****Partnerships, business profits tax deductions for reasonable compensation,**

- standards and burden of proof modified SB 125

Patient Protection and Affordable Care Act of 2009

- attorney general required to join lawsuit challengingHB 89
- attorney general required to join lawsuit challenging (HB 89), supreme court opinion requested SR 9
- attorney general should join the lawsuit challenging SB 148
- exchange planning grant declined; request that funds be used to reduce the federal budget deficit HB 601
- general court to determine any policy regarding implementation if NH is required to implement; joint health insurance reform oversight committee established SB 162
- health benefits exchange to facilitate purchase and sale of qualified health plans SB 163
- joint health care reform oversight committee to supervise insurance commissioner's implementationHB 601
- required health insurance prohibited SB 148
- state insurance mandates that exceed its "essential benefits" not available to the insuredHB 627

Patriot Day, September 11, proper observance, governor's proclamationHB 56am**PAVE, the Program for the Assessment of Veterinary Education**

- Equivalence, certificate, veterinary medicine board to grant license reciprocityHB 30

Pawtuckaway River, segment protectedHB 149**Payday loans. See: Credit access reform and employment act**

Pearly Terrill dam, Pittsburg, acquisition by fish and game	HB 35
Pease development authority	
capital improvements appropriation; lapse dates extended	HB 25am
Skyhaven airport, property leased or occupied by a person other than the authority exempt from municipal property tax; conditions	HB 2am
Peddlers. See: Hawkers and peddlers	
Penalty assessments, deposit of portion in general fund removed; portion to police standards and training council training fund increased	HB 2
Pensions, other post-employment benefits (OPEB) trusts, board and fund, towns may establish	SB 83
Personal identity, right to control commercial use	SB 175
Personnel division, reclassification of classified positions resulting in increased pay prohibited; waiver	HB 2am
Pervasive developmental disorder, or autism, reference to S-CHIP added	HB 2am
Petroleum storage facilities, underground tanks, permanent closure, waiver for certain systems	SB 87
Pets	
monk parakeets, possession and sale allowed	HB 651
sale or transfer, license fee reduced	HB 2am
Pettingill Road project, added to 10 year transportation plan	SB 101
Pharmacies	
drugs, prescription, automated systems, labeling requirements	HB 632
drugs, prescription, electronic laws, study	SB 122
single pharmacy benefits manager, health and human services and administrative services commissioners, request for information on feasibility of unifying public payers of health care benefits	HB 642
Pharmacists, vaccines that may be administered by expanded; requirements	SB 93
Pharmacy board	
drug manufacturers, wholesalers, distributors, or brokers, changes in ownership must be reported	HB 504
unused prescription drug program, persons and entities who may donate, rulemaking	HB 111
Physician assistant, emergency obstetrical care, immunity from civil liability; conditions	SB 108
Physicians and surgeons	
abortion, minors, parental notification required; emergency exception or judicial authorization; penalties	HB 329
education, student loans repealed	HB 2
emergency obstetrical care, immunity from civil liability; conditions	SB 108
malpractice, definition of unanticipated outcome; expression of apology or fault not evidence of admission of liability	SB 17
malpractice, Joint Underwriting Association, state may not take any funds held by; excess funds belong to policyholders and shall be returned to them	SB 170
malpractice, screening panels, member qualifications, same impartiality as jurors required	HB 51
medical malpractice panel and insurance oversight committee reestablished	SB 12
medical use of marijuana, protections	HB 442
not subject to disciplinary action for treating Lyme disease with long-term antibiotics; statement on board of medicine website	HB 295
Pinkerton Academy, board of trustees, charter amendment authority; acts of the board ratified	SB 96
Piscassic River, segments protected	HB 149
Pistols and revolvers	
carrying into state house complex, policy revision must be by legislation adopted by the general court	HB 160

Pistols and revolvers (*cont.*)

- felony conviction which includes possession or use of a firearm,
minimum mandatory sentencing requirement removed SB 88am
- license to carry, not required; non-residents, license requirement amended HB 330
- person who is anywhere he has a right to be who brandishes a weapon
to warn away a person making a threat not guilty of criminal
threatening SB 14

- Pittsburg,** Pearly Terrill dam, Mountain Pond dam, Coon Brook Bog dam,
and Round Pond dam, acquisition by fish and game HB 35

Plaistow

- district court to remain open, judicial branch to pay all costs HB 2am
- district court to remain open, judicial branch to pay all costs HB 438am
- Haseltine Street reclassified and renamed HB 558

Planning boards

- involuntary merger of lots, restoration, procedures HB 316am
- may not require fire sprinkler systems in one or 2 family residences HB 109am
- members, serving on another board or commission, limitations HB 409
- powers not to include regulating timber harvesting operations that are
not part of a subdivision development project SB 104
- subdivisions, applications, notice to upstream dam owners removed;
notice to environmental services of applications near lakes,
ponds, rivers and streams HB 205
- subdivisions, development rights, 5 years vesting, exemption from
amendments in ordinances or regulations SB 144

Planning office, state. See: Energy and planning office

- Plants,** exotic aquatic weeds and species committee, membership amended HB 55

- Plumbers,** licenses, state and local fire and building officials may issue
citations for violations HB 355

- Plumbing inspectors,** municipal, approval of sewage disposal system
design and installation transferred from environmental services SB 84

Police

- dogs, limitation on liability, certification by New England State Police
Administrators Compact HB 79
- officers, audio or video recording in the course of their official duties
permitted HB 145
- officers, complaints, oath requirement removed for class B misdemeanors;
signature required SB 64
- officers, killed in the line of duty, medical benefits for beneficiaries
amended SB 166
- stations, list of professional bondsmen provided by secretary of state,
requirements; no other list to be displayed SB 63

Police standards and training council

- funding options, study HB 2am
- training fund, portion from penalty assessments increased HB 2

- Political parties,** convention delegates, primary candidates may file with
secretary of state HB 42

Pollution. See: Air pollution; Water, pollution

- Portsmouth-Kittery Bridge** (Sarah Mildred Long Bridge) authority
repeal repealed HB 2

- Post-traumatic stress disorder,** armed forces, study SB 102

Postsecondary education commission

- Granite state scholars, date for distribution of matching funds to
institutions changed SB 45
- guidelines for exempting private career schools from payment into
student tuition guarantee fund; conditions SB 117
- repealed; powers and duties transferred to education department HB 2

Postsecondary education commission (cont.)

- staff, preferential treatment or discrimination in recruiting, hiring, or promotion based on race, sex, national origin, religion, or sexual orientation prohibited; exceptionsHB 623
- Upper Valley Educators Institute, degree granting authorityHB 170

Prisoners

- county facilities, superintendent may recommend release for work, rehabilitation or home confinementHB 307
- parole, extended term of recommitment for high risk offenders and those convicted of felonious sexual offensesHB 2
- parole, sexual offenders or offenders against children, intensive supervision requiredHB 2
- transfer of 600 inmates from Concord state prison to private or public correctional facilitiesHB 2am

Privacy, advanced imaging technology and pat-down searches at airport

- security, US Congress and President to address concernsHCR 9

Privatization

- community mental health programs, contract standardsHB 2am
- community mental health programs, contract standardsHB 191
- corrections department, studyHB 2am
- transfer of 600 inmates from Concord state prison to private or public correctional facilitiesHB 2am
- transportation department, studyHB 2am

Privileged information. See: Confidential information**Probate courts**

- administrators, estates, priority of charges, claims for financial or medical assistance by health and human services amendedHB 2am
- emergency receivership procedures for nursing homesHB 479
- estate trustees, bond requirement, applicability; trusts created under a will exempt from annual accounting requirementSB 50
- guardian authorized to allocate ward's incomeHB 2am
- replaced with circuit court probate divisionHB 609

Probation

- community supervision programs, availability, studySB 180
- mandatory early release not applicable to persons convicted of violent crimes or sexually violent offensesSB 52
- mandatory early release not applicable to those convicted of violent crimes until corrections commissioner certifies to secretary of state that sufficient services are availableHB 524

Process. See: Service of process**Program for the Assessment of Veterinary Education Equivalence**

- (PAVE) certificate, veterinary medicine board to grant license reciprocityHB 30

Propane

- fuel gas fitters, licensing, state and local fire and building officials may issue citations for violationsHB 355
- home-heating guaranteed price plans and prepaid contracts, methods of securing prepaid deposits amendedSB 197

Property, unclaimed and abandoned in airport property rooms, dispositionHB 2am**Proprietorships, business profits tax deductions for reasonable**

- compensation, standards and burden of proof modifiedSB 125

Public assistance

- emergency assistance program for aid to families with dependent children, health and human services commissioner authority removedHB 2am
- Medicaid fraud, false claims for payment, private person may bring action for recovery; criteria clarifiedSB 139

Public assistance (cont.)

- non TANF two-parent families with dependent children, health and human services commissioner authority to transfer cases between employment and assistance programs removedHB 2am
- permanently and totally disabled, conditioned on person filing an application for federal disability benefits and pursuing appeals for those benefitsHB 2am
- permanently and totally disabled, earned income disregard, health and human services rulemaking amended SB 198
- person fleeing a state to avoid prosecution or custody, or violating parole or probation, ineligible to receive aidHB 2am
- recipients, payment for funeral expenses suspendedHB 2am
- See also: Medicaid; Medical assistance
- temporary assistance to needy families (TANF), employment program, eligibility amended SB 198
- temporary assistance to needy families (TANF), memorandum of understanding between health and human services and revenue administration renewed; exchange of informationHB 2
- towns, aid to assisted persons suspendedHB 2am

Public employees

- collective bargaining, agreements, studyHB 580am
- collective bargaining, automatic continuation clause (evergreen) local option, study SB 73
- collective bargaining, automatic continuation clause (evergreen) repealed SB 1
- collective bargaining, bargaining units must have at least 10 membersHB 185
- collective bargaining, certification of union representative by written majority authorization repealedHB 589
- collective bargaining, impasse at expiration of old agreement, all employees at-will; salaries, benefits, and terms and conditions at discretion of the employerHB 2am

- Public officials**, or employees, official oppression, acting without purpose to benefit himself or another added; penalties amendedHB 572

- Public television**, general funds may not be used to fundHB 113am

Public utilities

- commission, transactions under jurisdiction, exemption from consumer protection repealed SB 186
- eminent domain, public utilities may not petition to take private land for a transmission facility that is not needed for system reliabilityHB 648
- property tax, additional exemptions SB 35
- telecommunications industry, alternative regulation of small incumbent local exchange carriers, plan requirements modified SB 22
- telephone services, definitions; exemptions from rates and charges provisions SB 48

Public works

- bureau, managed projects, capital improvements appropriation, expenditure for temporary personnel for construction inspection services, Davis-Bacon Act complianceHB 25
- projects, facilities controlled by state, naming for any living elected or formerly elected official prohibitedHB 603

- Pupil safety and violence protection act**, purpose and waiver statement removed; extension of bullying and cyberbullying statute to actions occurring off school property removed, but notifications are requiredHB 370

Q

- Quaker parrots**, possession and sale allowedHB 651

R**Racing**

- horses or dogs, unclaimed vouchers, time for remittance to state added SB 136
- horses or dogs, unclaimed vouchers, time for remittance to state addedHB 348am

Racing, and charitable gaming commission

- monies received under horse and dog racing chapter, dispositionHB 2
- prohibited from authorizing new electronic gambling machines or devicesHB 348

Radioactive waste, high-level, act repealedHB 2**Raffles, charitable organizations, permit may extend for one yearHB 155****Rail transit authority**

- contingency, repeal nullifiedHB 2am
- duties modified to study only of cost-benefit analysis of developing
commuter railHB 218

Rainy day fund. See: Revenue stabilization reserve account**Randolph Mountain Club, occupancy fee for sleeping accommodations;**

- fee to fish and game for search and rescue fund SB 128

Real estate

- appraiser board, administrative functions transferred to joint boardHB 2
- appraisers board, amendments; appraisal management companies,
registration and regulation SB 153
- brokers and salespersons, inactive license status clarifiedHB 47
- practice act, limited electronic media defined; use of twitter or text
messages for advertising regulatedHB 47am
- property placed in trust may qualify for tax exemptions or creditsHB 541
- transfer tax, declaration of consideration filed separately by buyer and
seller SB 42
- transfer tax, exemptions, transfers between spouses, to or from a revocable
trust, and transactions resulting from restructuring of ownership SB 132

Records

- criminal, history check for child day care agency volunteers or employees,
limited if full check has been done within the last 3 yearsHB 488
- criminal, history checks for health and human services employees,
service providers, and day care providers, reduced fee negotiatedHB 2
- medical, health information organization established for the electronic
exchange of health information; powers and dutiesHB 489

Recreational campgrounds, toilet facilities, self-composting or

- incinerating allowedHB 404

Recycling

- and product purchase committee, interagency committee repealedHB 390am
- Concord regional solid waste/resource recovery cooperative agreement,
amendments legalized SB 174

Regional community-technical colleges, real and personal property

- transferred to community college system SB 194

Regional community-technical colleges department, all functions,

- powers, and property transferred to community college systemHB 2am

Regional greenhouse gas initiative

- cap and trade program for carbon dioxide emissions repealed; use of funds
clarified SB 154
- cap and trade program for carbon dioxide emissions repealed; use of funds
clarifiedHB 2am
- cap and trade program for carbon dioxide emissions repealed; use of funds
clarifiedHB 519

Register of deeds

- documents recorded, surcharge for land and community heritage
investment program, amount over \$120,000 to general fundHB 2
- vacancy, county convention may fill or leave vacant depending on time
left in the termHB 86

Registers of probate, salary set at \$100 per yearHB 2am**Residential care facilities, emergency receivership proceduresHB 479**

Resources and economic development

- appropriation from highway fund for operation of 4 existing rest areas
 - in Colebrook, Lebanon, Shelburne, and LittletonHB 1am
- Cannon Mountain, revenue from all sources deposited into the general fund and applied to the negative balance in the state park fundHB 2am
- capital improvements appropriation; reports on repairs and deferred maintenance projects; lapse dates extendedHB 25
- certain revenues to fish and game search and rescue fundHB 2am
- Connecticut Lakes headwater citizens committee, membership amendedHB 45
- economic development director eliminated; duties transferred to commissionerHB 2am
- economic development fund review committee reinstatedHB 390
- film and television commission transferred to, from cultural resourcesHB 2am
- OHRV highway trail crossings, requests approved by transportation department exempt from evaluation processSB 105
- timber yield tax enforcement transferred toHB 2am
- travel and tourism development division, distribution of meals and rooms tax funds suspendedHB 2am
- visitor service bureau; responsible for rest areas and welcome centers on state highwaysHB 2
- volunteers, indemnification amended; state forests, reservations, trails and historic sites includedHB 131
- welcome centers, highway and turnpike, transfers between appropriations authorizedHB 2am
- Rest areas**, appropriation to DRED from highway fund for operation of 4 existing rest areas in Colebrook, Lebanon, Shelburne, and LittletonHB 1am

- Retirement**, other post-employment benefits (OPEB) trusts, board and fund, towns may establishSB 83

Retirement plan, judges. See: Judges, retirement plan

Retirement system

- benefits, maximum limited for non-vested membersHB 2am
- board of trustees, membership amended; quarterly reportsSB 3
- board of trustees, membership amended; quarterly reportsHB 2am
- board of trustees, rate of interest on funds limitedHB 2am
- board of trustees, subcommittee members may participate in meetings by telephoneHB 2am
- disability retirement, medical subsidies, and cost of living allowances, studySB 3
- disability retirement, medical subsidies, and cost of living allowances, studyHB 2am
- divestiture of assets in Sudan, requirement repealedHB 491
- earnable and average final compensation, definition amended, employee contribution increased; age for retirement and years worked increased; special account repealed; board of trustees amended; voluntary defined contribution plan, studyHB 580
- earnable and final average compensation redefined for non-vested membersSB 3
- earnable and final compensation redefined for non-vested membersHB 2am
- employer assessments for excess benefits, calculation modified; phased-in payments; effective date extendedHB 462
- group II, special account funds, transfer to state annuity accumulation fund requiredHB 464
- health benefits subsidy payments limitedHB 2am
- health care program, cost containment plan and implementation by administrative services commissionerHB 2am
- local government employees, state contribution, payment by administrative services authorizedHB 2am
- member contribution rates increasedSB 3
- member contribution rates increasedHB 2
- membership, optional provisions amendedHB 2am
- non-state employees, state share of employer contribution eliminated after fiscal year 2012HB 2am

Retirement system (cont.)

notification to administrative services of proposed law or rules changes; prior to board meetings public documents must be posted on its website	SB 75
out-of-state service credit, authority to purchase repealed	SB 3
out-of-state service credit, authority to purchase repealed	HB 2am
out-of-state service credit, authority to purchase repealed	HB 461
part-time employment defined for retired members	HB 2am
replaced with voluntary defined contribution plan, study	SB 3
replaced with voluntary defined contribution plan, study	HB 2am
service, disability, vested deferred, and split benefits, age increased	SB 3
service, disability, vested deferred, and split benefits, age increased	HB 2am
special account repealed; balance transferred to state annuity accumulation fund	SB 3
special account repealed; balance transferred to state annuity accumulation fund	HB 2am
state employees, health benefits, years of service and age requirements amended	SB 3
state employees, health benefits, years of service and age requirements amended	HB 2am
state employees, health benefits subject to funding limitations	HB 2am
state employees, health insurance, total general fund cost limited	HB 231
state employees, part-time, not eligible for participation; definition of part-time employment for retired members	SB 75
state employees, retired and under age 65, health insurance, procedures for administrative services to collect payments	SB 33
state employees, retired and under age 65, health insurance premium contribution increased	HB 2am

Revenue

estimates, process, improving accuracy, study	HB 209
unrestricted, estimates	HB 1

Revenue administration

and health and human services, medical assistance memorandum of understanding renewed; exchange of information	HB 2
appropriation reductions; quarterly reports	HB 1am
capital improvements appropriation lapse date extended	HB 25
central tax services unit, internal control of tax receivables removed from responsibilities	SB 18
commissioner, revenue counsel to serve at the pleasure of the commissioner	HB 579am
confidentiality of records clarified for the purpose of legislative budget assistant performance audits and right to know law	HB 579
document processing division, assistant director position deleted	HB 2
excavation tax, administration and enforcement transferred to local assessing officials	HB 2
excavation tax, administrative amendments; violations, administrative fine authorized	SB 39
legislative approval required to increase any fee, establish any fine or penalty schedule, or impose any penalty	SB 76
Medicaid enhancement tax accounting unit and receipt account transferred from health and human services	HB 2am
officials entering land to enforce timber yield or excavation taxes may not be charged with criminal trespass	SB 41
payment of taxes by credit or debit card authorized	SB 56
revenue assistant attorney general position established in justice department ..	SB 23
tax forms, exemption from rulemaking procedure repealed; additional penalty for failure to make payments by electronic transfer repealed	SB 76
timber yield tax, administration transferred to local assessing officials, enforcement to DRED	HB 2
timber yield tax, violations, administrative fine authorized	SB 79
Revenue sharing, with cities and towns suspended	HB 2

Revenue stabilization reserve account

- operating budget, fiscal year ending June 30, 2011, any surplus to remain in general fundHB 2
- proceeds from sale of Laconia state school property deposited intoHB 2am
- transfer of funds if there is a general fund deficit at the close of fiscal year 2011HB 2am

Rifles and shotguns

- carrying into state house complex, policy revision must be by legislation adopted by the general courtHB 160
- felony conviction which includes possession or use of a firearm, minimum mandatory sentencing requirement removedSB 88am

Right of publicity, personal identity, right to control commercial useSB 175**Right to work, union membership requirement prohibited; employees freedom of choice; fair share fees prohibitedHB 474****Rivers management and protection**

- instream flow rules, Lamprey and Souhegan Rivers, pilot program extendedHB 63
- Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers, segments protectedHB 149
- Lower Exeter/Squamscott River, segments protectedHB 555
- Mascoma River segments protectedHB 336
- nomination, notification of riparian landowners; classification requirements; instream flow protection, characteristics included; natural rivers, environmental services commissioner approval of certain minimal impact alterationsHB 27
- Oyster River, segments protected; certain portions exempt from comprehensive shoreland protection actHB 44
- septage and sludge, land application, setback restrictions delayed for prior usersHB 27am

Road rules, stop lights, red, 2-wheeled vehicles may proceed through an intersection after stoppingSB 69**Rooms and meals tax. See: Meals and rooms tax****Round Pond dam, Pittsburg, acquisition by fish and gameHB 35****Rules**

- administrative procedure, environmental services, waste management, underground storage facilities, permanent closure, waiver for certain systemsSB 87
- administrative procedure, exemptions, boat operating restrictions on certain watersHB 116
- of evidence, adopted for family division of the courtsHB 259
- Senate, rules of the 2010 session adopted for the 2011-2012 session with amendmentsSR 1
- state agencies, amount of fees must be specifiedHB 2am
- state agencies, business regulation, studyHB 248
- state agencies, forms, non expiring provision removedHB 43
- state agencies, joint legislative committee on administrative rules, waiver required for missing deadline for actionHB 211
- state agencies, medicine, board of registration, regarding disclosure of confidential information, implementation prohibitedHJR 4
- state agencies, mental health practice board, regarding misconduct investigation, implementation prohibitedHJR 3
- state agencies, procedures amended generally; rules extended to 10 years; Internet content, incorporation by referenceSB 161
- state agencies, proposed, procedure for legislative policy committees to review and commentHB 211

S**Safety department**

- allocation of percentage of highway fund to, suspendedHB 2am
- aviation fees, plan for collection to be transferred from transportation departmentHB 2am

Safety department (cont.)

capital improvements appropriation, highway fund	HB 25
capital improvements appropriation; lapse dates extended	HB 25
commissioner, boat operating restrictions, rulemaking authority under administrative procedure act repealed	HB 116
commissioner, consultation with amusement ride advisory board removed from carnival-amusement operators rules	HB 2am
commissioner, may grant authority to local officials to issue citations for violations of fire safety rules and licensing violations of fuel gas fitters, electricians, and plumbers	HB 355
commissioner, special assistant, temporary position authorized	HB 2am
criminal history checks for health and human services employees, service providers, and day care providers, reduced fee negotiated	HB 2
division responsibilities amended	HB 188
emergency medical services bureau, donations and grants, annual reporting requirement	HB 392
emergency services and communications, state government telecommunications services transferred from administrative services	HB 2am
fire standards and training and emergency medical services, funding options, study	HB 2am
highway fund appropriation reductions; bi-monthly reports	HB 1am
liquor commission enforcement, licensing, and education, transfer from liquor commission repealed	HB 88
manufactured housing, installation standards board, administrative functions transferred to joint board	HB 2
motor vehicle administrative hearings, testimony by video teleconference	HB 478
navigation safety fund appropriation reductions; bi-monthly reports	HB 1am
safety services division repealed	HB 2am
Unified Carrier Registration System, fees deposited in the highway fund	HB 277
2003 capital improvements appropriation purpose amended	HB 25am
2009 capital improvements appropriation amended	HB 25am
Safety services, division repealed	HB 2am

Sales

antifreeze must contain aversive agents to render it unpalatable; penalties	SB 55
artificial flowers and miniature flags, sale by hawkers and peddlers, prohibition repealed	HB 142
flammable stove polish, prohibition repealed	HB 143
oleomargarine, labeling for sale of broken packages and notice for serving colored margarine repealed	HB 333
Sunday business activities, prohibitions repealed	HB 617

Sarah Mildred Long Bridge, Maine-NH interstate bridge authority

repeal repealed	HB 2
-----------------------	------

**School buses, mixed use bus redefined; pupils may be transported in,
conditions**

HB 172

School districts

area, withdrawal procedure amended	HB 369
boards, responsible for establishing structure, accountability, advocacy, and conduct of instruction; instructional goals for each school	HB 216
building aid, facility maintenance and capital improvement programs required by 2016	HB 528
charters, created by general court that do not have a local amendment process, to revert to the control of the voters, and be governed by RSA 49-B, home rule municipal charters	HB 181
cooperative, monitoring added to school administrative unit legislative oversight committee	HB 67
education jobs program, federal funding, appropriation not to lapse	HB 2
instructional days and hours, education department rulemaking required	HB 112
kindergarten, construction program, bonds authorized	HB 2am
kindergarten, construction program, eligibility requirements	HB 2am

School districts (*cont.*)

- pupils, attendance, residency disputes, procedures SB 37
- required to work with parents to provide alternatives to any material
 - the parent finds objectionableHB 542am
- small school defined; staffing exceptionsHB 290
- special meetings to consider changes in amount of state funding; procedures HB 2
- special meetings to consider changes in amount of state funding; procedures HB 650
- tax cap provision may be included SB 2
- teachers. See: Teachers

Schools

- adequate education, accountability alternative, full accreditation from
 - New England Association of Schools and CollegesHB 130
- adequate education, average daily membership in residence redefined;
 - base cost per pupilHB 2am
- administrative units, competitive grant program to further cooperation in
 - providing superintendent services; appropriationHB 2
- administrative units, consolidation, legislative oversight committee to studySB 90
- administrative units, legislative oversight committee, monitoring
 - cooperative school districts added to dutiesHB 67
- administrative units, withdrawal procedure amendedHB 369
- building aid, grants for leased space, charter schools eligibleHB 505
- building aid, long-term sustainable funding, study SB 178
- building aid, or alternative building aid, suspended for biennium; waiverHB 2
- charter, building aid, grants for leased space eligibleHB 505
- charter, funding, additional grant for each pupilHB 337am
- charter, funding, budgeted amounts may be exceeded; distribution of
 - paymentsHB 2
- charter, state board of education approval, pilot program made permanent;
 - state to pay tuition for pupil attending school outside his
 - resident school district directly to the school SB 82
- charter, Virtual Learning Academy, state aid, total expenditure limitationHB 2
- common core state standards, adoption prohibited without approval of
 - general courtHB 164
- drug-free zones, sign fund repealed; penalty assessments to general fundHB 2am
- funding, adequate education, grants, calculation and distribution
 - amended; fiscal capacity disparity aid and excess education
 - tax payments repealed; stabilization grantsHB 337
- funding, calculation and distribution of grants amended; fiscal disparity
 - aid repealed; stabilization grants for certain communities
 - established SB 183
- funding, excess tax, remission to revenue administration deleted;
 - town may retainHB 2am
- funding, fiscal capacity disparity aid, calculation amendedHB 2
- funding, general court to define standards and accountability, determine
 - level of state funding, and allocate state funds to mitigate
 - disparities CACR 12
- funding, general court to define standards for education and accountability,
 - and mitigate local disparities in opportunity and fiscal capacity CACR 14
- funding, per pupil costs and eligibility for free and reduced price meal
 - programs, calculation amended; fiscal capacity disparity aid;
 - determination of grants and excess tax, dispositionHB 337
- funding, state aid, grants and excess tax payments, provisions extended SB 181
- funding, state aid, total grants to municipalities, limitations; stabilization
 - grants to equal decreasesHB 2
- high schools, regional vocational centers, advanced manufacturing
 - education advisory council membership amended SB 112
- nonpublic, receiving public funds, compliance with all state statutes and
 - education department rules required SB 113
- nonpublic, tax credit plan to support students, study SB 67am
- performance based school accountability, new criteria; evaluation, scores,
 - and ranking by education commissioner SB 172

Schools (*cont.*)

- pupil safety and violence protection act, purpose and waiver statement removed; extension of bullying and cyberbullying statute to actions occurring off school property removed, but notifications requiredHB 370
- pupils, compulsory attendance, age returned to 16HB 429
- pupils, sports concussions and other concussions received while at school, study SB 95
- teachers. See: Teachers
- twenty first century education commission established, duties SB 192

- Sean William Corey program**, children medically fragile or with chronic illness, Medicaid approval sought for parent to provide home health aide services, pilot programHB 2am

Search and rescue

- fish and game, plan for implementation of sustainable funding sourceHB 2am
- fish and game, sources of funding, study SB 128am
- fund, fish and game, certain revenues from DRED deposited intoHB 2am

- Search and seizure**, advanced imaging technology and pat-down searches at airport security, US Congress and President to address concernsHCR 9

Secretary of state

- administrative attachment of accountancy board removedHB 2
- election by Senate and House joint convention SR 5
- elections, ballot law commission duties transferred to; decisions appealed to superior courts on expedited basis with no fee to appellantHB 466
- elections, changes in polling place hours or location reported to and placed on state's websiteHB 588
- elections, payment for nondriver's photo identification cards for voters SB 129
- elections, primaries, candidates for state representative or party convention delegate may file withHB 42
- independent contractors required to register with for workers' compensation purposes SB 191
- list of professional bondsmen provided to jails and police stations, requirements; no other list to be displayed SB 63
- vital records, administration director and state registrar, salary establishedHB 2am
- vital records, birth certificates, fee for copies reducedHB 36
- vital records, improvement fund, certain portion transferred to the general fundHB 2am

Securities regulation

- bureau, banks department and attorney general, authority clarified SB 188
- bureau, insurance, and banking departments, improving communications and confidentiality, studyHB 102
- Financial Resources Mortgage, Inc., issues, studyHB 178
- fraud, financial, restitution fund for victims SB 185
- transactions under jurisdiction, exemption from consumer protection act repealed SB 186

- Security services**, and guards at colleges or universities required to report felony offenses to local law enforcement officials; exceptionHB 110

- Self defense**, justification if physical force is used in a place where the person has a right to beHB 210

Senate

- election returns, referred to select committee to examine, count, and report if vacancies or contests exist SR 3
- election returns, secretary of state to furnish SR 2
- joint convention with House for the election of secretary of state and state treasurer SR 5
- joint convention with House to canvass votes for governor and executive council SR 6
- joint convention with House to hear governor's budget address SR 8
- joint convention with House to hear report of committee appointed to compare and count votes for governor and council, for the Inauguration of the governor, and taking of the oath by the council SR 7
- members, salary and mileage payments SR 4
- rules of the 2010 session adopted for the 2011-2012 session with amendments ... SR 1

Sentences

- annulment of criminal record, hearing not required; liability for disclosing
record amended HB 82
- felony conviction which includes possession or use of a firearm,
minimum mandatory sentencing requirement removed SB 88am
- felony conviction which includes possession or use of a firearm,
minimum mandatory sentencing requirement removed HB 378
- parole, extended term of recommitment for high risk offenders and those
convicted of felonious sexual offenses HB 2
- parole, sexual offenders or offenders against children, intensive
supervision required HB 2
- prisoners in county facilities, superintendent may recommend release for
work, rehabilitation or home confinement HB 307
- probation or parole, community supervision programs, availability, study SB 180
- probation or parole, mandatory early release not applicable to persons
convicted of violent crimes or sexually violent offenses SB 52
- probation or parole, mandatory early release not applicable to those
convicted of violent crimes until corrections commissioner
certifies to secretary of state that sufficient services are available HB 524

Septage, land application, setback restrictions delayed for prior users HB 27am

September 11, Patriot Day, proper observance, governor's proclamation HB 56

Septic systems, design and installation, approval transferred from
environmental services to municipal plumbing inspectors SB 84

Service animals, dogs only included; duties; right to accompany handler
into public facilities; application to search and rescue dogs;
prohibited acts HB 398

Service of process, on commercial tenants, procedure HB 173

ServiceLink resource centers, health and human services not to
allocate general funds to support HB 2am

Session laws, enrollment process amended SB 196

Sewage disposal systems

- design and installation, approval transferred from environmental
services to municipal plumbing inspectors SB 84
- integrated land development permit established SB 142

Sexual offenders

- or offenders against children, parole, extended term of recommitment for
high risk offenders and those convicted of felonious sexual offenses HB 2
- or offenders against children, parole, intensive supervision required HB 2
- or offenders against children, sentences, mandatory early release not
applicable SB 52

Shehan Pond dam, Clarksville, acquisition by fish and game HB 35

Shepard, Alan. See: McAuliffe-Shepard Discovery Center

Sheriffs, vacancy, county convention may fill or leave vacant depending
on time left in the term HB 86

Shoreland protection act

- certain portions of Oyster River exempt HB 44am
- excavating, permits, extension requirements SB 38
- integrated land development permit established SB 142
- Lamprey River and tributary rivers, portions excepted from setback
provisions HB 149am
- modification; various definitions amended SB 124
- permits for construction or excavating not required for projects
which have terrain alteration permits SB 20
- renamed shoreland water quality protection act, amended generally SB 154
- renamed shoreland water quality protection act; amended generally HB 2am

Ski areas

- Cannon Mountain, reduced rate season passes, requirements amended HB 74
- snowmaking, water withdrawals, measurement and record keeping
requirements SB 32

Skyhaven airport , property leased or occupied by a person other than Pease development authority exempt from municipal property tax; conditions	HB 2am
Sludge , land application, setback restrictions delayed for prior users	HB 27am
Snowmaking , water withdrawals, measurement and record keeping requirements	SB 32
Social Security numbers , misuse, citizens job protection, civil cause of action against various persons; treble damages	HB 158
Solid waste , Concord regional solid waste/resource recovery cooperative agreement, amendments legalized	SB 174
Souhegan River , instream flow rules, pilot program extended	HB 63
Special education	
contract with independent organization to provide recommendations for program evaluation repealed	HB 2am
executive planning commission repealed	HB 390
rulemaking amended; schools to meet only the minimum requirements of the Individuals with Disabilities Education Act	HB 2am
school district liability for catastrophic expenditures amended	HB 2
statewide programs, aid, specific amount removed	HB 2am
Sports	
uniform athlete agent's act repealed	HB 136
youth concussions, study	SB 95
Squamscott River , segments protected	HB 555
Stand your ground law	SB 88
Stark , General John, Day, proclaimed by governor, 4 th Monday in April, schools encouraged to commemorate	HB 444
State agencies	
administrative functions, consolidation, plan by governor required	HB 635
budgets, transfer of federal grant funds authorized; funds may be carried forward and not lapsed	HB 2
capital improvement projects, quarterly reports to administrative services; format; summarized report to capital budget overview committee	HB 91
commissioners, authority to transfer or reassign personnel; delegation of authority; extension of expired term limited to 6 months	SB 81
expenditure information posted on state transparency website; exemption from disclosure	HB 331
human resources functions, consolidation, plan by administrative services commissioner	SB 103
information technology, policy based on open source software, open data formats, and open government data standards	HB 418
information technology projects, transfers authorized	HB 2am
information technology technical support services not discontinued except at the request of the agency	HB 2am
operating budget, reduced spending level alternative, submission required	SB 146
performance measurement system required; pilot program by health and human services	HB 508
publication of notices to include Internet sites	HB 2
rules, amount of fees must be specified	HB 2am
rules, business regulation, study	HB 248
rules, forms, non expiring provision removed	HB 43
rules, joint legislative committee on administrative rules, waiver required for missing deadline for action	HB 211
rules, mental health practice board, regarding misconduct investigation, implementation prohibited	HJR 3
rules, procedures amended generally; rules extended to 10 years; Internet content, incorporation by reference	SB 161
rules, proposed, procedure for legislative policy committees to review and comment	HB 211

State assets , enterprises, and resources, sale or lease, independent real estate and financial consultants retained by administrative services, appropriation extended	HB 2
State buildings , office space available, agencies renting private space required to occupy	HB 1
State controlled facilities , public works projects, naming for any living elected or formerly elected official prohibited	HB 603
State employees	HB 2
bumping rights suspended	SB 4
collective bargaining, contract cost items, legislative approval required	HB 2
executive branch, hiring freeze continued for the biennium	HB 2
governor required to reduce total appropriations for compensation and benefits by certain amount for the biennium	HB 2
health and human services, staff reductions due to operating and service consolidations	HB 2am
health and human services commissioner authority to fill unfunded positions	HB 2
health savings or other tax-advantaged accounts, administrative services commissioner to develop proposal	SB 143
judicial branch, transferring to service in executive or legislative branch, benefits transferred at rate of accrual according to continuous years worked and of the receiving branch	HB 150
laid off, administrative services commissioner to pay salary, benefit and payout costs from various accounts; transfer of funds	HB 2am
laid off, between certain dates, rehiring	HB 2
part-time, not eligible for participation in retirement system; definition of part-time employment for retired members	SB 75
positions abolished	HB 1
positions eliminated in human resources and payroll functions by administrative services commissioner; transfers	HB 2
preferential treatment or discrimination in recruiting, hiring, or promotion based on race, sex, national origin, religion, or sexual orientation prohibited; exceptions	HB 623
reclassification of positions which will result in an increase of pay prohibited unless waived by governor and council	HB 2am
retired and under age 65, health insurance premium contribution increased	HB 2am
retired and under age 65, health insurance, procedures for administrative services to collect payments	SB 33
retired, health benefits, years of service and age requirements amended	SB 3
retired, health benefits, years of service and age requirements amended	HB 2am
retired, health insurance, total general fund cost limited	HB 231
retired, health insurance benefits subject to funding limitations	HB 2am
unclassified. See: State officials	
volunteer workers at biennial elections, payment provisions	SB 145
State Employees Association , collective bargaining, employees not members of the association not required to pay agency fees	HB 474
State fire code , application to construction or rehabilitation of existing buildings	SB 110
State heritage collections committee	
duties taken over by joint legislative historical committee	HB 114am
repealed	HB 390
State house , complex, carrying weapons into, policy revision must be by legislation adopted by the general court	HB 160
State jurisdiction , exclusive, over regulation of knives	HB 544
State library	
cultural resources department to review federal program guidelines to use funds for other than interlibrary loan van service	HB 2am
historical records of the status of women commission transferred and archived as a single collection	HB 390
transferred to secretary of state as division of libraries	HB 2am

State officials

- or employees, official oppression, acting without purpose to benefit himself or another added; penalties amended HB 572
- positions frozen; some departments to eliminate positions HB 2am
- various salaries established HB 2am

State park system advisory council, repeal date extended HB 131**State parks**

- Franconia Notch forest reservation and memorial park to be undisturbed, as well as burial sites, memorials, and designated historic sites HB 33
- fund, revenue from Cannon Mountain deposited in general fund and applied to the negative balance HB 2am
- Jericho Mountain, trails, OHRV size and weight limitations increased SB 100
- Jericho Mountain, visitor center named for Robert Danderson SB 106
- volunteers, indemnification amended; state forests, reservations, trails and historic sites included HB 131

State police

- gaming enforcement unit established SB 182
- marine patrol transferred from safety services division HB 2am
- narcotics and investigations unit, funds from 2003 capital appropriation, purpose amended HB 25am
- rank of corporal eliminated; numbers in other ranks amended HB 80
- responsibility for hazardous waste transportation and truck weight enforcement transferred from motor vehicles division HB 188

State power and rights, based on the Constitutions affirmed HCR 19**State prison**

- Berlin, (North Country facility), not to close HB 2am
- Concord, transfer of 600 inmates to private or public correctional facilities HB 2am
- North Country facility (Berlin) not to close HB 1am

State veterinarian

- chief of meat inspection program; employment of meat inspection services administrator HB 339
- salary amended HB 2am

Status of men commission reinstated, duty added HB 380**Status of women commission repealed; intent that it be merged with a nonprofit corporation; historical records transferred to state library HB 390****Statutory construction**

- daylight savings time, dates amended to correspond with federal law HB 61
- publication for statewide circulation defined HB 2

Stove polish, flammable, sale prohibition repealed HB 143**Studies**

- armed forces, post-traumatic stress disorder and traumatic brain injuries SB 102
- ATV and trail bike trails, criteria for establishing on state lands, effectiveness SB 107am
- business regulations (rules) HB 248
- children, delinquent, or in need of services, statutes HB 168
- condominiums and homeowners' associations, laws, duty added SB 54am
- dental hygienists, committee within dental examiners board to propose administrative rules HB 565
- drugs, prescription, electronic, laws SB 122
- education, building aid, long-term sustainable funding SB 178
- education, department and local education authorities, relationship HB 2am
- education, funding, tax credit plan to support students at nonpublic schools ... SB 67am
- education, joint oversight committee on accountability for an adequate education HB 2am
- education, joint oversight committee on accountability for an adequate education HB 337
- education, vouchers SB 67

Studies (cont.)

electric power, transmission capacity in northern NH, expansion commission extended, membership and duties amended	SB 46
employee leasing companies, procuring health insurance	SB 89am
enhanced 911 system, dispatch times, extended and quarterly meetings required	HB 410
environmental services, rules for stream crossings	HB 621am
federal grant-in-aid programs, state participation	HB 590
Financial Resources Mortgage, Inc., issues	HB 178
general court, joint legislative oversight committee on the emergency management system, duplication and possible consolidation of various committees	HB 413
general court, membership limited to members of the general court; chairman to file report electronically with clerks	HB 190
health care facility construction needs	HB 2
insurance, and banking departments, and securities regulation bureau of the secretary of state's office, improving communications and confidentiality	HB 102
Joint Underwriting Association, future	SB 170
mortgages, foreclosure process	SB 109
motor vehicles, classification	SB 26
parole boards and procedures	HB 535
police standards and training council and fire standards and training and emergency medical services, funding options	HB 2am
privatization, corrections department	HB 2am
privatization of transportation department	HB 2am
probation or parole, community supervision programs, availability	SB 180
public employees, collective bargaining, evergreen clause, local option	SB 73
public employees, collective bargaining agreements	HB 580am
relationship between business and government	SB 92
retirement, defined voluntary contribution plan	HB 580am
retirement system, disability retirement, medical subsidies, and cost of living allowances	SB 3
retirement system, disability retirement, medical subsidies, and cost of living allowances	HB 2am
retirement system, replaced with voluntary defined contribution plan	SB 3
retirement system, replaced with voluntary defined contribution plan	HB 2am
revenue estimates, process, improving accuracy	HB 209
school administrative units, consolidation, legislative oversight committee	SB 90
search and rescue services, fish and game, sources of funding	SB 128am
state assets, enterprises, and resources, sale or lease, independent real estate and financial consultants retained by administrative services, appropriation extended	HB 2
water, infrastructure sustainability funding, extended	SB 47
water infrastructure sustainability funding, extended	SB 184
youth sports concussions and other concussions received while at school	SB 95

Subdivisions

applications, notice to upstream dam owners by planning boards removed	HB 205
development rights, 5 years vesting, exemption from amendments in ordinances or regulations	SB 144
involuntary merger of lots, restoration, procedures	HB 316am
regulations, planning boards may not require fire sprinkler systems in one or 2 family residences	HB 109am

Substance abuse, drug and alcohol services bureau of health and human
services merged into behavioral health bureau

HB 2am

Sudan , assets, divestiture by retirement system and judges retirement plan, requirement repealed	HB 491
---	--------

Sunday business activities , prohibitions repealed	HB 617
---	--------

Superior courts

center, lease of rental space, cost and space limitations set	HB 2am
---	--------

Superior courts (*cont.*)

consumer protection act claims, right to jury trial, exception	SB 134
divorce, counseling, court to consider selecting a counselor who accepts direct payment from the parties' health insurance carrier	HB 174
elections, appeals from decisions of secretary of state heard on expedited basis with no fee to appellant	HB 466
motor vehicle violation cases, certain expert testimony by video teleconference	HB 478

Support

children, guidelines, calculation based on parents' net income level	HB 597
children, health and human services, payments to administrative office of the courts	HB 1

Supreme court

administrative office, child support services, payments from health and human services	HB 1
administrative office, court facility financing, negotiations and approvals transferred to administrative services	SB 65
administrative office, superior court center, lease of rental space, cost and space limitations set	HB 2am
capital improvements appropriation	HB 25
opinion requested, attorney general, required to join lawsuit challenging Patient Protection and Affordable Care Act (HB 89)	SR 9
opinions, Chase v. Ameriquet Mortgage Co., changed; homestead right to protect against every type of claim and judgment whether at law or in equity	HB 305
rules of evidence for the family division of the courts adopted	HB 259
See also: Judicial branch	

T

Tax and land appeals board , members, appointment, and terms amended; no appropriation for retention of outside counsel expended for the biennium	HB 2am
--	--------

Tax collectors , monies remitted to town treasurers, amount that may be deferred increased	SB 15
--	-------

Taxes

bills tabled, intent of House to consider and support if state revenues exceed adopted estimates	HB 2am
business enterprise, credits, against business profits tax, carry forward period extended	HB 187
business enterprise, credits, production jobs creation; filing threshold increased	SB 167
business enterprise, exemptions, qualified community development entity added to definition of qualified investment company	SB 58
business profits, credits, for cash contribution to support students at nonpublic schools, study	SB 67am
business profits, deductions, expenses, current Internal Revenue Code section 179 applied	SB 155
business profits, deductions, reasonable compensation for partnerships, limited liability companies, and proprietorships; standards and burden of proof modified	SB 125
business profits, deductions, reasonable compensation for partnerships, limited liability companies, or proprietorships, standards and burden of proof modified	HB 557
business profits, deductions, to prevent double taxation on parent and subsidiary organization	SB 167
business profits, exemptions, qualified community development entity added to definition of qualified investment company	SB 58
business profits, filing threshold increased	SB 167
business profits, net operating loss carryover amended	SB 126
business profits, net operating loss carryover limited	HB 2am

Taxes (cont.)

community revitalization tax relief incentive, qualifying structures may include buildings destroyed by fire or acts of nature	SB 97
current use, advisory board, membership qualifications amended	HB 46
energy generation facilities using renewable sources, definition modified for payments in lieu of taxes	SB 118
excavation, administration and enforcement transferred to local assessing officials	HB 2
excavation, revenue administration officials entering land to enforce may not be charged with criminal trespass	SB 41
excavation, violations, administrative fine authorized	SB 39
exemptions, community college system property	SB 194
exemptions, for water and air pollution control facilities repealed	SB 131
exemptions, or credits, property placed in trust may qualify	HB 541
exemptions, reestablished on telecommunication poles and conduits	SB 133
gambling winnings, repealed	SB 130
gambling winnings, repealed	HB 2
gambling winnings, repealed	HB 229
income, interest and dividends, conformed to federal tax definitions	SB 168
insurance premium, collection and disbursement for nonadmitted and surplus line insurance	HB 424
late payments and redemption of liens, interest rate reduced	HB 457
meals and rooms, distribution to cities and towns, funding levels	HB 2
meals and rooms, distribution to DRED travel and tourism development division suspended	HB 2am
meals and rooms, exemptions, income from rental of vacation home	SB 80
meals and rooms, operator license renewal fee repealed	HB 2am
meals and rooms, operators, percentage retained increased for 2 years	SB 167
meals and rooms, rate reduced; distribution to cities and towns amended	SB 149
meals and rooms, technical corrections	SB 40
Medicaid enhancement, accounting unit and receipt account transferred from health and human services to revenue administration	HB 2am
Medicaid enhancement, uncompensated care fund, allocation and use modified	HB 2
Medicaid enhancement, waiver to exclude Hampstead Hospital, Healthsouth Rehabilitation Hospital, Northeast Rehabilitation Hospital, and New Hampshire Hospital	SB 165
municipal charters may include tax cap provisions	SB 2
municipal charters may include tax cap provisions	HB 341
new or increased rate, 2/3 vote required; exception for bonded debt	CACR 6
nursing home quality assessments, portion may be used for long-term care	HB 2
property, exemptions, community college system	HB 2am
property, failure to file inventory blank or refusal to allow inspection of property, right to appeal tax not lost	HB 316am
public utilities, additional exemptions	SB 35
real estate transfer, declaration of consideration filed separately by buyer and seller	SB 42
real estate transfer, exemptions, transfers between spouses, to or from a revocable trust, and transactions resulting from restructuring of ownership	SB 132
revenue administration authorized to accept credit or debit card payments	SB 56
timber yield, administration transferred to local assessing officials, enforcement to DRED	HB 2
timber yield, revenue administration officials entering land to enforce may not be charged with criminal trespass	SB 41
timber yield, violations, administrative fines authorized	SB 79
tobacco products, rate reduced	HB 156
tobacco products, rate reduced; reports, rate increased if there is a loss of revenue	HB 2am
tobacco products, tax stamps, exemptions, wording changed	SB 43
towns, semi-annual or quarterly collection, adjustments in calculating partial payments due to changes in adequate education grants allowed	HB 622

Teachers

- failure to be renominated, procedures, timelines, and grievances amended SB 196am
- performance may not be considered unsatisfactory based solely on state
or national assessment scores received by pupils SB 114
- using reasonable force against a pupil, complete defense to any civil action HB 375

Technical Institute, Concord, property, survey and insurance required SB 194

Telecommunications

- industry, alternative regulation of small incumbent local exchange
carriers, plan requirements modified SB 22
- real estate practice, use of limited electronic media such as twitter or
text messages for advertising regulated HB 47am
- state government services transferred from administrative services to
safety department HB 2am
- utility poles and conduits, municipal tax exemption reestablished SB 133

Telephone companies

- alternative regulation of small incumbent local exchange carriers,
plan requirements modified SB 22
- utility poles and conduits, municipal tax exemption reestablished SB 133

Telephone services, definitions; exemptions from rates and charges provisions SB 48

Telephones

- enhanced 911 system, dispatch times, study extended and quarterly
meetings required HB 410
- enhanced 911 system, prepaid cellular telephone service, providers to
supply subscriber information in emergencies; liability limited HB 387
- prerecorded political messages to numbers on the federal do not call list,
delivery, prohibition repealed HB 451

Television

- and film commission transferred to DRED from cultural resources HB 2am
- public, any state appropriation made directly, not through the UNH
system or any other state agency HB 2am
- public, general funds may not be used to fund HB 113am

Temporary assistance to needy families (TANF) See: Public assistance

Timber

- harvesting, planning board powers not to include regulating, unless part
of a subdivision development project SB 104
- yield tax, administration transferred to local assessing officials,
enforcement to DRED HB 2
- yield tax, notice of intent to cut, town may not require a road
maintenance bond as a prerequisite for signing SB 104
- yield tax, revenue administration officials entering land to enforce may
not be charged with criminal trespass SB 41
- yield tax, violations, administrative fines authorized SB 79

Time, daylight savings, dates amended to correspond with federal law HB 61

Tobacco products

- tax rate reduced HB 156
- tax rate reduced; reports, rate increased if there is a loss of revenue HB 2am
- tax stamps, exemptions, wording changed SB 43

Toilet facilities in campgrounds, self-composting or incinerating allowed HB 404

Town clerks, monies remitted to town treasurers, amount that may be
deferred increased SB 15

Town meeting

- official ballot form, votes by various committees, numerical tallies
printed on the ballot next to the official ballot question SB 16am
- official ballot form, warrant articles may not be amended to eliminate
the original subject matter SB 16
- official ballot form, warrant articles may not be amended to eliminate
the original subject matter HB 77

Towns

aid to assisted persons, suspended	HB 2am
and private landowners immune from civil liability for injury in voluntary maintenance, repair or preservation of burial grounds	HB 358
auditors, election, reference to obsolete sections removed	HB 32
cemeteries, provision and maintenance of fences and gates not required	HB 382
charters, created by general court that do not have a local amendment process, to revert to the control of the voters, and be governed by RSA 49-B, home rule municipal charters	HB 181
charters, new or amended, report to and notifications by secretary of state, attorney general, and revenue administration commissioner, timeline	HB 70
charters, tax cap provision may be included	SB 2
charters, tax cap provision may be included	HB 341
damages caused by dogs, liability limited	HB 532
drugs, prescription or over-the-counter, drug take-back programs may be established; guidelines established by rule	HB 71
elections. See: Elections	
energy efficiency and clean energy districts, funding by municipal revenue bonds; lien priority removed	HB 144am
fire sprinkler systems, automatic, may not be required in one or two-family residences	SB 91
fire sprinkler systems, automatic, may not be required in one or 2 family residences	HB 109am
following Best Management Practices for Routine Roadway Maintenance, excavating permit by notification	SB 21
following Best Management Practices for Routine Roadway Maintenance, excavating, permit by notification	HB 621
land acquired by federal government for flood control, reimbursement by state modified	HB 2
meals and rooms tax distribution, funding levels	HB 2
ordinances, documents filed with energy and planning office; lists and surveys published	HB 2
ordinances, flying US flag from a private residence may not be prohibited; reasonable rules	HB 132
ordinances, regulating knives prohibited	HB 544
other post-employment benefits (OPEB) trusts, board and fund, towns may establish	SB 83
plumbing inspectors, appointment required; approval of sewage disposal system design and installation transferred from environmental services	SB 84
revenue sharing suspended	HB 2
taxes, excavation, administration and enforcement transferred to local assessing officials	HB 2
taxes, semi-annual or quarterly collection, adjustments in calculating partial payments due to changes in adequate education grants allowed	HB 622
taxes, timber yield, administration transferred to local assessing officials, enforcement to DRED	HB 2
taxes, utility poles and conduits, tax exemption reestablished	SB 133
workforce housing opportunities, approval required	HB 368
zoning. See: Zoning	

Trade and commerce

citizens trade policy commission repealed	HB 390am
consumer protection act exemption for certain regulated trade and commerce repealed	SB 186
debt collection practices, complaints, material that must be filed; default or summary judgment, evidence of amount and nature of the debt required	SB 187
economic strategic commission to study the relationship between business and government	SB 92
fraud, financial, restitution fund for victims	SB 185

Trade and commerce (cont.)

- home-heating guaranteed price plans and prepaid contracts, methods of securing prepaid deposits amended SB 197
- personal identity, right to control commercial use SB 175

- Trademarks**, business or association name may include a geographic location, but the business or association may not have exclusive use of the name of the geographic location HCR 22

Trail bikes. See: Off highway recreational vehicles

Trails

- ATV and trail bikes, criteria for establishing on state lands, effectiveness, study SB 107am
- ATV and trail bikes, highway trail crossing exempt from evaluation process SB 105
- ATV and trail bikes, trails, exemption from evaluation process in Connecticut Lakes headwaters working forest SB 107
- Jericho Mountain state park, OHRV size and weight limitations increased SB 100

- Transplants**, bone marrow testing, insurance coverage clarified; testing facility shall not bill the covered person HB 31am

Transportation department

- aeronautical fund established; donations accepted; disposition of revenue; reports required HB 2am
- aviation fees, plan to transfer collection responsibility to safety department ..HB 2am
- capital improvements appropriation, highway fundHB 25
- capital improvements appropriation; lapse dates extended HB 25
- commissioner, highway fund balance status reports to various committees and governor and council HB 1
- commissioner, lease-purchase agreements for vehicles and equipment authorized HB 2
- commissioner, replaced by administrative services public works bureau for timeline or schedule for capital improvements projects HB 91
- excavating, permit by notification for towns following the Best Management Practices for Routine Roadway Maintenance SB 21
- excavating, permit by notification for towns following the Best Management Practices for Routine Roadway Maintenance HB 621
- federal assistance grants for emergency responses to be collected by the appropriate agency and appropriated to the department for the biennium HB 2
- highway fund, allocation of percentage to safety department suspendedHB 2am
- highway fund, appropriation reductions; position reductions includedHB 1am
- highways, I-95 turnpike service plaza in Hampton, commissioner authorized to acquire landHB 2
- Hooksett service area development project, quarterly reportsHB 25am
- Maine-NH interstate bridge authority reestablishedHB 2
- private contractors, plan to increase usage, studyHB 2am
- rail transit authority duties modified to study only of cost-benefit analysis of developing commuter railHB 218
- state infrastructure bank, revolving loan program to finance eligible transportation projects SB 159
- 10 year plan, Pettingill Road project added SB 101
- 2007 capital improvements appropriation match footnote amendedHB 25am

- Transportation Security Administration**, advanced imaging technology and pat-down searches at airport checkpoints, US Congress and President to address concerns HCR 9

Trauma medical review committee

- reinstatedHB 390
- review by legislative oversight committee on the emergency management system for duplication and possible consolidation with other committeesHB 413

Treasurer

- state, audit account, transfer from American Recovery and Reinvestment Act of 2009 economic stimulus fundsHB 2am

- Treasurer** (*cont.*)
 state, election by Senate and House joint convention SR 5
 state, NH hospital revolving funds, temporary depository accounts for
 education programs and emergency preparedness events HB 2
- Treaties**, Congress and President required to reaffirm allegiance to the
 Constitution by severing commitments to agreements and
 treaties that have not been subjected to congressional authority
 and oversight HCR 6
- Trees**. See also: Timber
- Trials**
 by jury, consumer protection act claims SB 134
 by jury, nullification, right to judge the application of the law in
 relationship to the facts in controversy HB 146
- Trucks**. See: Motor vehicles, trucks
- Trust funds**
 excellence in higher education endowment trust fund, balance
 transferred to UNH and community college systems HB 2
 various higher education and scholarship moneys repealed HB 2am
- Trusts**
 created under a will exempt from annual accounting requirement SB 50
 other post-employment benefits (OPEB) trusts, board and fund,
 towns may establish SB 83
 property placed in trusts may qualify for tax exemptions or credits HB 541
 qualified association, definition modified SB 119
 uniform code, application to testamentary trusts; enforcement of
 no-contest provisions of a will; limitation of actions against
 trustees, trust advisors and trust protectors SB 50
- Twenty first century education commission established, duties** SB 192
- U**
- Uncompensated care fund**, Medicaid enhancement tax, allocation and
 use modified HB 2
- Underground storage facilities**, permanent closure, waiver for
 certain systems SB 87
- Unemployment compensation**
 definition of gross misconduct amended; benefits, disqualification for
 theft added HB 26
 return to work program participants exempt from the definition of
 employment; requirements for participation SB 62
- Unified Carrier Registration System**, fees deposited in the highway fund HB 277
- Uniform laws**
 athlete agent's act repealed HB 136
 life settlements act, amendments SB 74
 principal and income act, conversion of a trust to a unitrust SB 50
 trust code, application to testamentary trusts; enforcement of no-contest
 provisions of a will; limitation of actions against trustees, trust
 advisors and trust protectors SB 50
- Unincorporated places**, election services, towns reimbursed through
 the county HB 288
- United Nations**, Congress urged to withdraw the United States HCR 11
- Unity school district**
 building aid suspension not applicable SB 24
 building aid suspension not applicable HB 2
- University of NH**
 KEEP-UP, the successor program to KEEP (knowledge economy education
 plan) report outlining capital improvements funding needed HB 25am

University of NH (cont.)

system, balance of excellence in higher education endowment trust fund transferred to, percentage distribution	HB 2
system, funds from college tuition savings plan, percentage distribution	HB 2
system, Granite state college added to corporate charter; student member of board of trustees	HB 386
system, no appropriation to public television made through the system	HB 2am
system, preferential treatment or discrimination in recruiting, hiring, promotion, or admission based on race, sex, national origin, religion, or sexual orientation prohibited; exceptions	HB 623

Upper Valley Educators Institute, degree granting authority	HB 170
--	---------------

US

Congress, required to reaffirm allegiance to the Constitution by severing commitments to agreements and treaties that have not been subjected to congressional authority and oversight	HCR 6
Congress, urged to address concerns raised by advanced imaging technology and pat-down searches at airport security checkpoints	HCR 9
Congress, urged to call a Constitutional convention for the sole purpose of voting only on a specific amendment	SCR 1
Congress, urged to withdraw the United States from the North American Free Trade Agreement (NAFTA)	HCR 12
Congress, urged to withdraw the United States from the United Nations	HCR 11
Constitution, Congress urged to call a Constitutional convention for the sole purpose of voting only on a specific amendment	SCR 1
flag code adopted for NH; flying US flag from a private residence may not be prohibited	HB 132
land acquired for flood control, reimbursement to towns by the state modified	HB 2
President, required to reaffirm allegiance to the Constitution by severing commitments to agreements and treaties that have not been subjected to congressional authority and oversight	HCR 6
President, urged to address concerns raised by advanced imaging technology and pat-down searches at airport security checkpoints	HCR 9

V

Vessels. See: Boats

Veterans

home, capital improvements appropriation; lapse dates extended	HB 25
home, 2009 capital improvements appropriation amended	HB 25am
post-traumatic stress disorder and traumatic brain injuries, study	SB 102

Veterinarian, state, salary amended	HB 2am
--	---------------

Veterinarians, education, student loans repealed	HB 2
---	-------------

Veterinary medicine board

license issued biennially	HB 2
license reciprocity for persons holding a certificate from PAVE, the Program for the Assessment of Veterinary Education Equivalence	HB 30

Viatical settlements, life settlements act, amendments	SB 74
---	--------------

Video recordings, of police officers in the course of their official duties permitted	HB 145
--	---------------

Video teleconference, testimony, motor vehicle administrative hearings or district or superior court cases	HB 478
---	---------------

Virtual Learning Academy, state aid, total expenditure limitation	HB 2
--	-------------

Vital records

administration director and state registrar, salary established	HB 2am
advisory committee on quality repealed	HB 390
birth certificates, fee for copies reduced	HB 36
improvement fund, certain portion transferred to the general fund	HB 2am

Voluntary corporations. See: Corporations, voluntary

Volunteers, indemnification, DRED parks, reservations, trails, and historic sites included	HB 131
---	---------------

W

Wages

- minimum, federal rate adoptedHB 133
- minimum, tip pooling arrangements amended SB 49
- withholding for any mutually agreed upon purposeHB 647

Walking disabled, parking, persons with permanent disability may be

- exempted from submitting proof of disability every 5 yearsHB 134

Waste

- disposal systems, integrated land development permit established SB 142
- See also: Hazardous waste; Sewage disposal; Solid waste

Wastewater engineering, integrated land development permit established SB 142**Water**

- infrastructure sustainability funding, study extended SB 47
- infrastructure sustainability funding, study extended SB 184
- management and protection, terrain alteration permit holders do not
 - require shoreland protection act permits for projects SB 20
- pollution, control facilities, tax exemptions repealed SB 131
- pollution, terrain alteration, integrated land development permit
 - established SB 142
- protection assistance program in energy and planning office repealedHB 2am
- wastewater and public water supply projects, state aid, priority to
 - municipal projects not funded in 2009-2011 SB 158
- withdrawals, for snowmaking, measurement and record keeping
 - requirements SB 32

Waters

- boat operating restrictions, rules exempted from administrative
 - procedure rulemaking requirementsHB 116
- excavating, replacement or repair of existing structures in non public
 - waters located solely within owner's property boundaries and
 - having no direct abutters, exempt from mitigation requirementsHB 230
- instream flow rules, Lamprey and Souhegan Rivers, pilot program extendedHB 63
- shoreland protection act, certain portions of Oyster River exemptHB 44am
- shoreland protection act, Lamprey River and tributary rivers, portions
 - excepted from setback provisionsHB 149am
- shoreland protection act, modifications; various definitions amended SB 124
- shoreland protection act, renamed shoreland water quality protection act,
 - amended generally SB 154
- shoreland protection act, renamed shoreland water quality protection act;
 - amended generallyHB 2am
- wetlands excavating, terrain alteration permits, fees reduced SB 59

Weapons

- criminal code, justification, non-deadly force redefined; act of producing
 - or displaying a weapon included SB 88am
- deadly, carrying into state house complex, policy revision must be by
 - legislation adopted by the general courtHB 160
- knives, exclusive jurisdiction of state to regulateHB 544
- person who is anywhere he has a right to be who brandishes a weapon
 - to warn away a person making a threat not guilty of criminal
 - threatening SB 14
- See also: Firearms
- seized from person charged with domestic violence must be returned
 - within 21 days after dismissal of chargesHB 225

Weights and measures, fee schedule set by statute; registered technicians

- authorized to seal weighing devices SB 157

Wetlands

- excavating, aquatic resource compensatory mitigation, administrative
 - assessments amendedHB 468
- excavating, integrated land development permit established SB 142

Wetlands (cont.)

excavating, permit by notification for towns following the Best Management Practices for Routine Roadway Maintenance	SB 21
excavating, permit by notification for towns following the Best Management Practices for Routine Roadway Maintenance	HB 621
excavating, permits, extension requirements	SB 38
excavating, replacement or repair of existing structures in non public waters located solely within owner's property boundaries and having no direct abutters, exempt from mitigation requirements	HB 230
excavating, terrain alteration permits, fees reduced	SB 59
prime, redefined	SB 19
redefined	SB 21
Wieczorek, Raymond, Manchester Airport access road named for	SB 195
Wills, no-contest provision, enforcement and applicability	SB 50am
Wine, NH manufacturers, participation in wine festivals; license, fees and procedures; wine samples, purchase from liquor commission not required	HB 276
Wiretapping and eavesdropping, audio or video recording of police officers in the course of their official duties permitted	HB 145
Witnesses, testimony by video teleconference for motor vehicle cases	HB 478
Women, commission on the status, repealed; intent that it be merged with a nonprofit corporation; historical records transferred to state library	HB 390
Worker adjustment and retraining notification act, prior notice of plant closing or mass layoffs, applicable to employers of 100 or more workers	SB 121
Workers' compensation	
administration fund, to cover costs of administering the chapter	HB 2
health care services, medical fees and reimbursement levels based on Medicare; rulemaking	SB 71
independent contractors required to register with secretary of state	SB 191
special second injury fund, payments clarified, review board to hear appeals	SB 77
Workforce housing opportunities, municipal approval required	HB 368

Z**Zoning**

definitions, community	HB 368
involuntary merger of lots, restoration, procedures	HB 316am
ordinances, and documents filed with energy and planning office; lists and surveys published	HB 2
ordinances, may not require automatic fire sprinkler systems in one or two-family residences	SB 91
ordinances, preservation of agricultural operations a purpose	SB 104
planning board members serving on another board or commission, limitations	HB 409
planning boards, powers not to include regulating timber harvesting operations that are not part of a subdivision development project	SB 104
subdivisions, applications, notice to upstream dam owners by planning boards removed	HB 205
subdivisions, development rights, 5 years vesting, exemption from amendments in ordinances or regulations	SB 144
subdivisions, regulations, planning boards may not require fire sprinkler systems in one or 2 family residences	HB 109am
workforce housing opportunities, municipal approval required	HB 368

SENATE JOURNAL NUMERICAL INDEX

This index, arranged by bill and resolution number, gives page numbers for all action in the Senate on each numbered bill and resolution. They are listed in the following order:

SB	Senate Bills
SCR	Senate Concurrent Resolution
SR	Senate Resolution
HB	House Bills
HCR	House Concurrent Resolution
HJR	House Joint Resolution
CACR	Constitutional Amendment Concurrent Resolution

To find a bill by its subject see the Subject Index immediately preceding this Numerical Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index.

adop	adopted
am	amended, amendment
Com	re-referred to committee (Senate)
conc	concurrent
conf	conference committee
div	division vote
enr	enrolled
Finance	referred to Finance committee
H	House
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on the table
nonconc	nonconcurrent
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rep	report
req	request, requested
RIC	retained in committee (House)
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	Withdrawn, withdrew, withdrawal

2011 SENATE BILLS

- SB 1-FN-L**, eliminating the automatic continuation requirement for public employee collective bargaining agreements. (Odell, Dist 8; et al: Public and Municipal Affairs) intro 26, Finance report 31, psd (RC) 31-33, 42, H conc 90, enr 91 (Chapter 3)
- SB 2**, relative to adoption of spending caps by municipalities. (Boutin, Dist 16; et al: Public and Municipal Affairs)
New title: relative to adoption of tax caps by cities, towns, and other political subdivisions. intro 43, am (RC) 431-439, psd 461, conc H am 1329, enr am 1629, enr 1642 (Chapter 234)
- SB 3-FN-A-L**, making comprehensive changes to the state retirement system. (Bradley, Dist 3; et al: Executive Departments and Administration)
First new title: relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.
Second new title: making comprehensive changes to the state retirement system. intro 90, SO 182, am (6 RCs) & Finance 252-288, am (RC) 388-406, psd 461, nonconc H am, conf 613, 616, 776, rep adop (RC) 1336-1362, enr am & enr 1370, veto overridden (RC) 1645-1646, H LT & H sustained veto 1670
- SB 4**, requiring legislative approval of cost items for state employee contract negotiations. (Bradley, Dist 3; et al: Executive Departments and Administration) intro 124, SO 378, Com 449-450
- SB 5-10** not introduced
- SB 11-L**, relative to the police commission in the town of Hooksett. (Boutin, Dist 16; et al: Public and Municipal Affairs) intro 27, psd 33-34, 43, H conc 65, enr 67 (Chapter 2)
- SB 12-FN**, relative to screening panels for medical injury claims. (Bradley, Dist 3; Houde, Dist 5: Judiciary) intro 44, Finance report 181, am 231, psd 288, nonconc H am, conf 1316, 1365, rep adop 1590, 1591-1592, enr 1641 (Chapter 241)
- SB 13-FN**, increasing the limit on single wagers for games of chance conducted by charitable organizations. (Gallus, Dist 1; et al: Ways and Means) intro 44, Finance report 181, Com 240
- SB 14-FN**, relative to the brandishing of a firearm. (De Blois, Dist 18; Bradley, Dist 3: Judiciary) intro 44, Finance report 181, LT 231-232, K 1678
- SB 15**, relative to the duties of tax collectors and clerks. (Bragdon, Dist 11: Public and Municipal Affairs) intro 27, psd 34, 43, H conc 466, enr 504 (Chapter 19)
- SB 16**, relative to amendments to warrant articles. (Barnes, Jr., Dist 17; et al: Public and Municipal Affairs)
New title: relative to the placement of numerical tallies on a ballot. intro 27, am 34-35, psd 43, conc H am 497, enr 566 (Chapter 57)
- SB 17**, relative to evidence of admissions in medical injury actions. (Bradley, Dist 3: Health and Human Services) intro 27, com changed to Judiciary 35, Com 334-335
- SB 18**, deleting a function of the central tax services unit. (Odell, Dist 8: Ways and Means) intro 27, psd 84, 88, H conc 502, enr 539 (Chapter 23)
- SB 19**, relative to the definition of "prime wetlands." (Odell, Dist 8; Rausch, Dist 19: Energy and Natural Resources) intro 27, am 57-58, psd 59, RIC
- SB 20**, relative to shoreland protection permits. (Odell, Dist 8: Energy and Natural Resources) intro 27, am 97-98, conflict of interest statement 98, 122, psd 121, H conc 706, enr 1313 (Chapter 141)

- SB 21**, relative to the definition of “wetlands.” (Odell, Dist 8; Morse, Dist 22: Energy and Natural Resources)
New title: relative to exemptions from excavating and drainage permits.
intro 27, am 73-74, psd 88, conc H am 1288, enr 1371 (Chapter 195)
- SB 22**, relative to alternative regulation of small incumbent local exchange carriers. (Odell, Dist 8: Energy and Natural Resources)
intro 27, am 375-377, psd 461, H conc 772, enr 1368 (Chapter 175)
- SB 23-FN**, establishing a revenue assistant position within the department of justice. (Odell, Dist 8: Ways and Means)
intro 44, Finance report 126, K 172
- SB 24-FN-LOCAL**, exempting the Unity school district from the moratorium on school building aid. (Odell, Dist 8; et al: Education)
intro 30, Finance 56-57, LT (RC) 153-154, K 1679
- SB 25**, relative to the Connecticut River Valley resource commission. (Odell, Dist 8; et al: Executive Departments and Administration)
intro 30, psd 75, 88, H conc 502, enr 539 (Chapter 24)
- SB 26**, establishing a committee to study the classification of motor vehicles. (Carson, Dist 14; et al: Transportation)
intro 30, am 58, psd 59, H conc 502, enr am 538-539, enr 566 (Chapter 58)
- SB 27**, relative to speed limitations for boats. (D’Allesandro, Dist 20; et al: Transportation)
intro 44, am (RC) 337-340, psd 342, H nonconc 708
- SB 28**, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. (Boutin, Dist 16; et al: Commerce)
intro 30, am 94-95, conflict of interest statement 95, 122, 1318, 1364, psd 121, conc H am 1317-1318, enr 1369 (Chapter 212)
- SB 29**, relative to the definition of “moped.” (Rausch, Dist 19; et al: Transportation)
New title: relative to the definition of “moped” and relative to motorcycle endorsements.
intro 30, am 79-81, psd 88, H conc 502, enr 539 (Chapter 25)
- SB 30**, relative to including a parent’s residence in the parenting plan. (Boutin, Dist 16; et al: Judiciary)
intro 30, Finance report 126, am 159-160, psd 177, H conc 706, enr am 1308-1309, enr 1371 (Chapter 176)
- SB 31**, relative to revocation or denial of a driver’s license for drug or alcohol involvement by persons under 21 years of age. (Houde, Dist 5; Sorg, Graf 3: Transportation)
intro 30, am 58-59, psd 59, H conc 502, enr 539 (Chapter 26)
- SB 32**, relative to water withdrawals for snow making. (Gallus, Dist 1: Energy and Natural Resources)
intro 30, am 98-99, psd 121, H conc 706, enr 1313 (Chapter 142)
- SB 33-FN**, relative to retired state employee contributions for medical benefits costs. (D’Allesandro, Dist 20; et al: Executive Departments and Administration)
intro 44, Finance 75, psd 154, 177, nonconc H am, conf 770, 1307, H rej conf rep, rules suspended & new conf 1565-1566, rep adop 1612-1614, enr 1641 (Chapter 242)
- SB 34-FN**, relative to orders of notice in cases involving guardianship of minors. (Houde, Dist 5; Sorg, Graf 3: Judiciary)
New title: relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.
intro 44, am & Finance 113-114, psd 154-155, 178, H conc 772, enr 1368 (Chapter 177)
- SB 35-FN-A**, relative to exemption from the definition of utility property for purposes of the utility property tax. (Odell, Dist 8: Energy and Natural Resources)
intro 60, Finance report 126, psd 142, 178, H conc 502, enr am 539, enr 566 (Chapter 59)
- SB 36**, relative to the permanent siting of the Hampton-Exeter District Court. (D’Allesandro, Dist 20; et al: Judiciary)
intro 44, psd 76, 88, H conc 706, enr 775 (Chapter 122)

- SB 37**, relative to the determination of residency for certain pupils. (Stiles, Dist 24; et al: Education)
intro 44, psd 71, 88, conc H am 1288, enr 1371 (Chapter 178)
- SB 38**, relative to extensions for wetland and shoreland permits. (Odell, Dist 8: Energy and Natural Resources)
intro 44, psd 99, 121, conflict of interest statement 99, 122, H conc 706, enr 1313 (Chapter 143)
- SB 39**, relative to enforcement of the excavation tax by the department of revenue administration. (Odell, Dist 8: Ways and Means)
intro 44, Finance 84, K 155
- SB 40**, making technical corrections to meals and rooms tax laws. (Odell, Dist 8: Ways and Means)
intro 44, LT 119-121, am 441-443, psd 461, nonconc H am (RC) 1289-1290
- SB 41**, relative to enforcement of the timber tax and excavation tax by the department of revenue administration. (Odell, Dist 8: Judiciary)
intro 44, Com 335
- SB 42**, relative to the declaration of consideration for purposes of the real estate transfer tax. (Odell, Dist 8: Ways and Means)
intro 44, psd 84-85, 88, conc H am 769, enr 1368 (Chapter 179)
- SB 43**, making a technical correction to the tobacco tax laws. (Odell, Dist 8: Ways and Means)
intro 44, psd 85, 88, H conc 502, enr 539 (Chapter 27)
- SB 44**, relative to payment of rent pending a landlord-tenant action. (Boutin, Dist 16; et al: Judiciary)
intro 45, Com 431
- SB 45**, relative to criteria for designation as a Granite State scholar. (D'Allesandro, Dist 20; et al: Education)
intro 45, psd 71, 88, nonconc H am, conf 1288, 1365, rep adop 1590, 1592-1593, enr 1642 (Chapter 265)
- SB 46**, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. (Gallus, Dist 1; et al: Energy and Natural Resources)
intro 45, Finance report 126, am 142-143, psd 178, H nonconc 773
- SB 47**, extending the commission to study water infrastructure sustainability funding. (Gallus, Dist 1; et al: Energy and Natural Resources)
intro 45, Finance report 126, psd 143-144, 178, H conc 706, enr 1313 (Chapter 144)
- SB 48**, relative to filing of rates for certain telephone services. (Odell, Dist 8; et al: Energy and Natural Resources)
intro 45, Com 74-75
- SB 49**, relative to tip pooling arrangements. (Stiles, Dist 24; et al: Commerce)
intro 45, LT 69, am 92-93, psd 121, RIC
- SB 50**, making various changes to laws regulating trusts and trust companies. (D'Allesandro, Dist 20; et al: Commerce)
intro 45, am 352-361, conflict of interest statement 361, 462, 1315, 1364, 1594, 1626, psd 461, nonconc H am, conf 1315, 1365, rep adop 1591, 1593-1594, enr am 1629-1630, enr 1641 (Chapter 243)
- SB 51**, relative to the establishment of a state leadership team to resolve issues concerning certain adults with developmental disabilities who may present a degree of risk to the community. (Merrill, Dist 21; et al: Health and Human Services)
First new title: relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.
Second new title: relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.
intro 45, am 327-328, psd 342, conc H am 1327, enr am 1630-1631, enr 1642 (Chapter 235)

- SB 52-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. (Bragdon, Dist 11; et al: Judiciary) intro 45, am & Finance 232-235, am (RC) 406-408, psd 461, nonconc H am, conf 1316, 1365, rep adop 1591, 1594, enr am 1631, enr 1641 (Chapter 244)
- SB 53-FN**, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. (D'Allesandro, Dist 20; et al: Executive Departments and Administration)
First new title: relative to the nursing assistant registry administered by the board of nursing.
Second new title: relative to the definition of nursing and the nursing assistant registry administered by the board of nursing.
 intro 60, LT 103-104, am 302-304, psd 343, nonconc H am, conf 1288, 1365, rep adop 1591, 1594-1595, enr am 1631, enr 1641 (Chapter 245)
- SB 54**, repealing certain condominium registration and filing requirements. (De Blois, Dist 18; Hinch, Hills 19: Commerce)
New title: relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.
 intro 45, SO 351, am 443-445, conflict of interest statement 443, 445, 462, psd 461, H conc 706, enr 1313 (Chapter 156)
- SB 55-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Odell, Dist 8; et al: Energy and Natural Resources)
 intro 45, Finance report 92, psd 99-100, 121, H LT 772, died on the table 1671
- SB 56-FN**, authorizing the department of revenue administration to accept credit card payments of taxes. (Odell, Dist 8: Ways and Means)
New title: authorizing the department of revenue administration to accept credit card and debit card payments of taxes.
 intro 60, am & Finance 240-242, psd 305, 343, conc H am 770, enr 1368 (Chapter 180)
- SB 57**, relative to regulation of title loan lenders. (Carson, Dist 14; et al: Commerce)
 intro 45, Finance report 126, am (RC) 130-132, psd 178, H conc 563, enr 620, veto overridden (RC)1646-1648, H overrode veto 1670 (Chapter 270)
- SB 58-FN-A**, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. (Odell, Dist 8: Ways and Means)
 intro 60, am & Finance 242, am 408-410, psd 461, conc H am 1289, enr 1371 (Chapter 181)
- SB 59-FN-A**, relative to fees for terrain alteration permits. (Gallus, Dist 1; et al: Ways and Means)
 intro 46, K 85
- SB 60**, relative to the definition of commercial motor vehicle. (Gallus, Dist 1; et al: Transportation)
 intro 46, psd 81, 88, H conc 502, enr 539 (Chapter 28)
- SB 61**, relative to capital appropriations to the liquor commission. (D'Allesandro, Dist 20; et al: Capital Budget)
 intro 46, psd & LT 352, K 1679
- SB 62**, relative to persons participating in the return to work program. (Stiles, Dist 24; et al: Commerce)
 intro 46, psd 69-70, 88, H conc 563, enr 620 (Chapter 82)
- SB 63**, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. (Barnes, Jr., Dist 17; et al: Judiciary)
New title: relative to the list of bail bondsmen and relative to forfeiture for failure to appear.
 intro 46, am 335-336, psd 343, conc H am 1329, enr am 1632, enr 1642 (Chapter 236)
- SB 64**, removing the oath requirement for criminal complaints filed by police officers. (Houde, Dist 5; Sorg, Graf 3: Judiciary)

- New title:** removing the oath requirement for class B misdemeanor criminal complaints filed by police officers.
intro 46, am 114-115, psd 121, conc H am 1329, enr 1369 (Chapter 217)
- SB 65**, making technical corrections to a law relative to court facility financing. (Houde, Dist 5; Sorg, Graf 3: Judiciary)
intro 46, psd 76, 88, H conc 772, enr 1368 (Chapter 196)
- SB 66**, relative to nonresident fees for motorcycle rider education. (Rausch, Dist 19; et al: Transportation)
New title: relative to nonresident tuition for motorcycle rider education.
intro 46, psd 81-82, 88, conc H am 534-535, enr 620 (Chapter 83)
- SB 67**, establishing a committee to study school vouchers and school choice. (De Blois, Dist 18: Education)
New title: establishing a committee to study the implementation of an education tax credit plan in New Hampshire.
intro 46, am 71-72, psd 88, conc H am 1324, enr 1369 (Chapter 218)
- SB 68**, relative to records of disciplinary actions taken by the electricians' board. (Gallus, Dist 1; Gimaz, Hills 12: Executive Departments and Administration)
intro 46, psd 75-76, 89, nonconc H am, conf 1315, 1366, rep adop 1591, 1595-1596, enr 1642 (Chapter 246)
- SB 69**, permitting 2-wheeled vehicles to proceed through an intersection after stopping for a red light. (Carson, Dist 14: Transportation)
intro 46, K 82
- SB 70-FN**, relative to remedies in landlord-tenant actions. (De Blois, Dist 18: Commerce)
intro 60, Finance report 181, am 182-183, psd 288, nonconc H am, conf 1315, 1366, rep adop 1591, 1596-1597, enr 1642 (Chapter 247)
- SB 71-FN**, relative to health care fees in workers' compensation. (Boutin, Dist 16: Commerce)
intro 60, Finance report 126, Com 132
- SB 72-FN**, establishing a comprehensive cancer plan fund. (Kelly, Dist 10: Health and Human Services)
intro 46, am & Finance 108-109, psd 305-306, 343, H nonconc 1308
- SB 73**, establishing a committee to study local options for evergreen clauses. (D'Allesandro, Dist 20; et al: Public and Municipal Affairs)
intro 46, K 76-77
- SB 74-FN**, relative to the life settlements act. (Bragdon, Dist 11: Commerce)
intro 60, Finance report 126, Com 132-133
- SB 75-FN**, relative to notification by the retirement system to the department of administrative services of law and rule changes; the availability of public documents of the retirement system; and clarification of part-time service. (D'Allesandro, Dist 20; et al: Executive Departments and Administration)
New title: relative to clarification of part-time service in the state retirement system.
intro 60, Finance report 181, LT 214, am 379-380, psd 461, nonconc H am, conf 1315, 1366, rep adop 1591, 1597-1598, enr 1642 (Chapter 248)
- SB 76-FN**, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. (Sanborn, Dist 7; et al: Executive Departments and Administration)
intro 60, am & Finance 145, psd 410-411, 461, H nonconc 617
- SB 77-FN**, relative to the special fund for payment for second injuries under workers' compensation law. (Sanborn, Dist 7; et al: Commerce)
intro 46, Finance report 181, Com 183
- SB 78-FN-A-LOCAL**, relative to motor vehicle registration fees. (Sanborn, Dist 7; et al: Ways and Means)
intro 47, Finance 172-173, psd (RC) 306-310, 343, nonconc H am 769
- SB 79-FN**, authorizing the department of revenue administration to impose administrative fines for timber tax violations. (Odell, Dist 8: Ways and Means)
intro 61, Finance report 181, K 242-243

- SB 80-FN-A-LOCAL**, exempting certain rental income from the meals and rooms tax. (Boutin, Dist 16; et al: Ways and Means)
intro 47, K 85-86
- SB 81-FN**, relative to powers and duties of commissioners of executive branch agencies. (Morse, Dist 22: Executive Departments and Administration)
New title: relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.
intro 61, Finance report 92, am (RC) 104-108, psd 121, H conc 616, enr am 708, enr 775 (Chapter 131)
- SB 82-FN**, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. (Carson, Dist 14; et al: Education)
First new title: extending the state board of education's authority to approve chartered public schools, relative to the funding of chartered public schools approved by a school district, and relative to proration of unexpended funds to chartered public schools approved by the state board of education.
Second new title: extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.
intro 61, Finance report 126, psd 140, 178, conc H am 1324, enr 1369 (Chapter 228)
- SB 83-FN**, enabling municipalities to create other post-employment benefits (OPEB) trusts. (Merrill, Dist 21; et al: Public and Municipal Affairs)
intro 61, Finance report 181, Com 235-236
- SB 84-FN**, relative to state regulation of the septic system installation process. (Groen, Dist 6; et al: Energy and Natural Resources)
intro 61, Finance report 181, Com 202
- SB 85**, naming a bay in the town of Meredith Johnson Bay. (Forrester, Dist 2; et al: Public and Municipal Affairs)
intro 47, SO & psd (RC) 69, 89, H conc 502, enr 539, remarks 615 (Chapter 29)
- SB 86**, requiring the department of labor to warn employers of certain violations prior to imposing a fine. (Luther, Dist 12; et al: Commerce)
intro 47, am 361-362, conflict of interest statement 362, 462, psd 461, H conc 707, enr am 1309, enr 1371 (Chapter 182)
- SB 87**, relative to the closure of certain underground storage tank systems. (Bradley, Dist 3; et al: Energy and Natural Resources)
intro 47, Finance report 126, K 144
- SB 88**, relative to physical force in defense of a person. (Boutin, Dist 16; et al: Judiciary)
First new title: relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.
Second new title: relative to physical force in defense of a person, brandishing a firearm or other means of self-defense, and carrying firearms.
Third new title: relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.
intro 47, SO 351, am (RC) 454-460, psd 461, nonconc H am, conf 1316, 1366, 1372, rep adop H 1591, rep adop (RC) 1598-1601, enr am 1632, enr 1641, veto overridden (RC) 1648-1656, H overrode veto 1670-1671 (Chapter 268)
- SB 89**, relative to employee leasing companies. (Carson, Dist 14; et al: Commerce)
First new title: establishing a study committee on the procurement of health insurance by employee leasing companies.
Second new title: relative to employee leasing companies.
Third new title: relative to employee leasing companies and establishing a study committee on the procurement of health insurance by employee leasing companies.
intro 47, Finance report 126, am 133-134, conflict of interest statement 134, 178, 770, 772, 1602, 1626, psd 178, nonconc H am, conf 770, 1307, rep adop 1591, 1601-1602, enr am 1632-1633, enr 1641 (Chapter 249)
- SB 90**, relative to the consolidation of school administrative units. (Barnes, Jr., Dist 17; et al: Education)

New title: directing the legislative oversight committee to study the consolidation of school administrative units.

intro 47, am 96-97, psd 121, nonconc H am 768-769

SB 91, relative to automatic fire suppression sprinklers. (Boutin, Dist 16; et al: Public and Municipal Affairs)

intro 47, psd 77-78, conflict of interest statement 78, 89, 770, 772, 1605, 1626, 1659, 1670, nonconc H am, conf 770, 1307, 1313, rep adop 1591, 1602-1605, enr 1642, veto overridden (RC) 1656-1659, H overrode veto 1671 (Chapter 269)

SB 92, establishing an economic strategic commission to review the relationship between business and government. (Sanborn, Dist 7; et al: Executive Departments and Administration)

First new title: establishing an economic strategic commission to review the relationship between business and government and changing the name of the department of resources and economic development to the department of business assistance.

Second new title: establishing an economic strategic commission to review the relationship between business and government.

intro 48, am 380-384, psd 461, nonconc H am, conf 770, 1307, rep adop 1591, 1605-1606, enr 1642 (Chapter 250)

SB 93, relative to pharmacist administration of vaccines. (Gallus, Dist 1; et al: Health and Human Services)

intro 48, am 328-330, psd 343, conc H am 1327-1328, enr 1369 (Chapter 213)

SB 94, relative to state certification of community residences in municipalities with zoning ordinances which accommodate certified community residences. (Bradley, Dist 3; et al: Public and Municipal Affairs)

intro 48, Finance report 126, Com 162

SB 95, establishing a committee to study youth sports concussions. (Houde, Dist 5; et al: Health and Human Services)

New title: establishing a commission to study youth sports concussions and other concussions received while at school.

intro 48, am 109-111, psd 121, H nonconc 773

SB 96, relative to amending the charter of The Pinkerton Academy. (Rausch, Dist 19; et al: Education)

intro 48, psd 72, 89, H conc 707, enr 775 (Chapter 123)

SB 97, relative to the application of the community revitalization tax relief incentive. (Stiles, Dist 24; et al: Ways and Means)

intro 48, am 86-87, psd 89, conc H am 1336, enr am 1633, enr 1642 (Chapter 237)

SB 98, revising the international registration plan. (Rausch, Dist 19: Transportation)

intro 48, psd 82, 89, conc H am 1288, enr 1369 (Chapter 214)

SB 99, relative to trailer brakes. (Rausch, Dist 19: Transportation)

intro 48, am 82-83, psd 89, conc H am 1289, enr 1371 (Chapter 183)

SB 100, relative to the size limitations on OHRVs, and the operation of OHRVs on state-owned trails. (Carson, Dist 14; et al: Energy and Natural Resources)

First new title: relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle.

Second new title: relative to the size limitations on OHRVs operating in Jericho Mountain state park.

intro 48, am 300, psd 343, conc H am 769, enr 1368 Chapter 184)

SB 101, requiring the Pettengill Road project in Londonderry to be added to the state's 10-year transportation improvement program. (Carson, Dist 14; et al: Transportation)

intro 48, K 118-119

SB 102, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan. (Carson, Dist 14; et al: Health and Human Services)

New title: establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

intro 48, am 111-112, psd 121, conc H am 535, enr 620 (Chapter 84)

- SB 103**, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government. (Barnes, Jr., Dist 17; et al: Finance)
intro 49, psd & LT 76, K 1679
- SB 104**, relative to certain agricultural operations. (Odell, Dist 8; et al: Public and Municipal Affairs)
New title: relative to certain agricultural operations and certain bonds for excavation and driveways.
intro 49, Finance report 126, am 162-163, psd 178, H conc 563, enr 620 (Chapter 85)
- SB 105**, excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails. (Gallus, Dist 1; et al: Energy and Natural Resources)
New title: exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.
intro 49, am 202-203, psd 288, H conc 707, enr 1313 (Chapter 154)
- SB 106**, naming the visitor center at Jericho Mountain state park for Robert Danderson. (Gallus, Dist 1; et al: Energy and Natural Resources)
intro 49, psd 203-204, 289, RIC
- SB 107**, relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles. (Gallus, Dist 1; et al: Energy and Natural Resources)
New title: establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.
intro 49, am 300-301, psd 343, H conc 707, enr 775 (Chapter 124)
- SB 108**, relative to emergency obstetrical care. (Gallus, Dist 1; et al: Judiciary)
intro 49, Finance report 126, am 160-161, psd 178, H nonconc 1308
- SB 109**, establishing a committee to study the foreclosure process in New Hampshire. (Carson, Dist 14; et al: Commerce)
intro 49, psd 95-96, 122, H nonconc 708
- SB 110**, relative to condominium development projects and application of the state fire code. (De Blois, Dist 18: Commerce)
intro 49, K 362, conflict of interest statement 362, 462
- SB 111**, relative to short sales of a homeowner's residence. (Boutin, Dist 16: Commerce)
intro 49, am 362-364, psd 461, H conc 707, enr 1313 (Chapter 145)
- SB 112**, relative to the membership on the advanced manufacturing education advisory panel. (Kelly, Dist 10; et al: Education)
New title: relative to the membership on the advanced manufacturing education advisory council.
intro 49, am 72-73, psd 89, H conc 466, enr 504 (Chapter 20)
- SB 113**, relative to nonpublic schools receiving public funds. (Larsen, Dist 15; Kelly, Dist 10: Education)
intro 49, K 196
- SB 114**, prohibiting assessing teacher performance based solely on assessment scores. (Larsen, Dist 15: Education)
intro 49, LT 373-375, K 1679
- SB 115**, relative to observing voter check-in. (Boutin, Dist 16; et al: Public and Municipal Affairs)
intro 50, psd 78, 89, nonconc H am, conf 1316, H rej conf req 1366
- SB 116**, relative to the manufactured housing installation standards board. (Carson, Dist 14; Matt Quandt, Rock 13: Commerce)
New title: relative to the manufactured housing installation standards board and relative to the definition of a modular building.
intro 50, am 70, conflict of interest statement 70, 89, 769, 772, psd 89, conc H am 769, enr am 1309-1310, enr 1371 (Chapter 197)
- SB 117**, relative to private postsecondary career schools and the student tuition guaranty fund. (Odell, Dist 8; et al: Education)
intro 50, am & LT 197-200, am 375, psd 461, nonconc H am, conf 1315-1316, 1366, rej (not signed off) 1628

- SB 118**, modifying the definition of renewable generation facility. (Gallus, Dist 1; Rappaport, Coos 1: Energy and Natural Resources)
intro 50, K 301-302
- SB 119**, relative to qualified association trusts. (Bradley, Dist 3; et al: Commerce)
intro 50, K 364, conflict of interest statement 364, 462
- SB 120**, relative to alcoholic beverage advertising restrictions. (Stiles, Dist 24; et al: Commerce)
intro 50, SO 351, am (RC) 445-448, psd 461, conc H am 1318, conflict of interest statement 1318, 1364, enr am 1633, enr 1642 (Chapter 238)
- SB 121**, relative to the application of the worker adjustment and retraining notification act. (Luther, Dist 12; et al: Commerce)
intro 50, psd (RC) 365-366, 462, H conc 707, enr 1313 (Chapter 146)
- SB 122**, establishing a committee to study the laws relating to electronic prescriptions. (Stiles, Dist 24; et al: Health and Human Services)
intro 50, psd 112, 122, H conc 616, enr 676 (Chapter 117)
- SB 123**, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. (Bradley, Dist 3; et al: Judiciary)
intro 50, psd 336, 343, nonconc H am, conf 1316, 1366, rep adop 1591, 1606, enr 1642 (Chapter 251)
- SB 124-FN**, relative to the comprehensive shoreland protection act. (Gallus, Dist 1; et al: Energy and Natural Resources)
intro 61, K 100, conflict of interest statement 100, 122
- SB 125-FN-A**, relative to the business profits tax deduction for reasonable compensation. (Bradley, Dist 3; et al: Ways and Means)
New title: relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.
intro 50, Finance 243, am (RC) 310-311, psd 343, conc H am 1289, enr 1371 (Chapter 207)
- SB 126-FN**, relative to net operating loss carryovers under the business profits tax. (Luther, Dist 12; et al: Ways and Means)
intro 51, Finance (RC) 173-174, psd & LT (2 RCs) 311-312, K 1679
- SB 127-FN**, relative to the city of Manchester's contributory retirement system. (D'Allesandro, Dist 20; et al: Public and Municipal Affairs)
intro 51, Finance report 69, psd 78-79, 89, H conc 466, enr 504 (Chapter 21)
- SB 128-FN-A**, establishing a fee on occupancy of sleeping accommodations of the Appalachian Mountain Club and the Randolph Mountain Club to fund search and game rescue operations of the fish and game department. (D'Allesandro, Dist 20; et al: Energy and Natural Resources)
New title: establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.
intro 51, Finance report 92, am 100-103, psd 122, H conc 707, enr 1313 (Chapter 147)
- SB 129-FN**, requiring valid photo identification to vote in person. (Carson, Dist 14; et al: Public and Municipal Affairs)
New title: relative to presenting photo identification to vote in person and relative to the election fund.
intro 61, Finance (RC) 236-240, SO 351, am (RC) 450-454, psd 462, conc H am, (RC) 1330-1336, enr 1370, veto sustained (RC) 1659-1665
- SB 130-FN-A**, repealing the tax on gambling winnings. (D'Allesandro, Dist 20; et al: Ways and Means)
intro 51, am & Finance 87-88, psd 155, 178, H nonconc 563
- SB 131-FN**, repealing the exemption for water and air pollution control facilities from local property taxation. (Gallus, Dist 1; et al: Ways and Means)
intro 61, Finance report 126, K 174
- SB 132-FN-A-L**, establishing exemptions from the real estate transfer tax. (Sanborn, Dist 7; et al: Ways and Means)
intro 61, Finance report 181, Com 243

- SB 133-FN**, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Carson, Dist 14; et al: Ways and Means)
intro 61, Finance report 126, psd 174-175, 178, H LT 617, died on the table 1671
- SB 134-FN**, relative to jury trials under the consumer protection act. (Boutin, Dist 16; et al: Judiciary)
intro 61, Finance report 181, K 235
- SB 135-FN-A**, relative to election returns and election records. (Carson, Dist 14; et al: Public and Municipal Affairs)
intro 51, Finance report 126, am 164-169, psd 178, H conc 1308, enr 1371 (Chapter 185)
- SB 136-FN**, relative to games of chance. (Odell, Dist 8: Ways and Means)
intro 61, am & Finance 243-250, am 312-314, order to third reading rescinded & LT 340, K 1679
- SB 137-FN-A**, relative to the driver training fund. (Gallus, Dist 1; et al: Transportation)
intro 51, K 83-84
- SB 138-FN-A**, eliminating the lottery commission and establishing the education lottery authority. (D'Allesandro, Dist 20; Gallus, Dist 1: Ways and Means)
intro 62, Finance report 126, K 175
- SB 139-FN**, relative to state recoveries of public assistance caused by fraud. (D'Allesandro, Dist 20; et al: Judiciary)
intro 51, Finance report 126, am 161-162, psd 178, H conc 772, enr 1368 (Chapter 186)
- SB 140-FN**, relative to the disposition of military justice fines. (Barnes, Jr., Dist 17; et al: Public and Municipal Affairs)
intro 51, Finance report 69, psd 79, 89, H conc 502, enr 539 (Chapter 30)
- SB 141-FN**, requiring drivers who are residents of foreign countries to have insurance. (Bradley, Dist 3: Commerce)
intro 51, K 96
- SB 142-FN**, relative to reorganizing the permitting process within the department of environmental services. (Odell, Dist 8; Luther, Dist 12: Energy and Natural Resources)
intro 62, Finance report 181, Com 204
- SB 143-FN**, requiring the commissioner of administrative services to develop a proposal for state employees to make monetary contributions to a health savings account or other tax-advantaged account. (White, Dist 9; et al: Executive Departments and Administration)
intro 62, Finance report 126, Com 145-146
- SB 144**, relative to extending certain permits and approvals. (Carson, Dist 14; et al: Energy and Natural Resources)
First new title: relative to energy efficiency and clean energy districts.
Second new title: relative to approvals for site plans and subdivisions of land.
intro 51, am 103, conflict of interest statement 103, 122, 1325, 1364, psd 122, conc H am 1325, enr 1369 (Chapter 215)
- SB 145-FN**, relative to state employees who volunteer as election workers. (Larsen, Dist 15: Executive Departments and Administration)
intro 62, Finance report 126, K 146
- SB 146-FN**, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Morse, Dist 22; et al: Finance)
intro 62, psd (RC) 155-156, 178, conc H am 1327, enr 1369 (Chapter 229)
- SB 147-FN**, relative to Medicaid managed care. (Bradley, Dist 3; et al: Health and Human Services)
intro 51, am & Finance 228-230, am 314-316, psd 343, conc H am 614, enr am 708, enr 775 (Chapter 125)
- SB 148-FN**, relative to health insurance coverage and directing the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. (De Blois, Dist 18; et al: Commerce)
First New title: relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

Second New title: relative to health insurance coverage, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act, and requiring federal grant moneys received by the state for implementation of the Patient Protection and Affordable Care Act to be returned to the federal government.

Third New title: relative to health insurance coverage.

intro 52, Finance report 126, am (RC) 134-139, psd 178, nonconc H am, conf 770, 1308, 1372, rep adop 1591, 1606-1607, enr am 1634, enr 1641 (Chapter 266)

SB 149-FN-A-LOCAL, relative to the rate of the meals and rooms tax and the distribution formula for meals and rooms tax revenue. (Stiles, Dist 24; et al: Ways and Means) intro 62, Finance report 126, K 175-176

SB 150-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. (Bradley, Dist 3; et al: Commerce) intro 52, Finance report 126, Com 139

SB 151-FN, relative to contracts of the department of health and human services. (Bradley, Dist 3; et al: Health and Human Services) intro 62, am & Finance 230-231, psd 316, 343, conc H am 1328-1329, enr 1369 (Chapter 216)

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. (D'Allesandro, Dist 20; et al: Executive Departments and Administration) intro 62, Finance report 181, am 214-215, psd 289, RIC

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. (Gallus, Dist 1; Tholl, Coos 2: Executive Departments and Administration) intro 52, am & Finance 215-221, psd 316, 343, RIC

SB 154-FN, reforming the comprehensive shoreland protection act. (Bradley, Dist 3; et al: Energy and Natural Resources)

First new title: reforming and renaming the comprehensive shoreland protection act.

Second new title: reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

intro 62, am & Finance 204-214, conflict of interest statement 214, 289, 412, 462, 1326, 1364, 1667, 1670, am 411-412, psd 462, conc H am (RC) 1325-1326, enr 1370, veto sustained (RC) 1665-1667

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax. (Forrester, Dist 2; et al: Ways and Means) intro 62, Finance report 181, Com 250-251

SB 156-FN-LOCAL, authorizing retail vehicle dealers to act as agents of the division of motor vehicles in the issuance of vehicle titles and registrations. (Sanborn, Dist 7; et al: Commerce)

New title: authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

intro 63, rules suspended 182, am & Finance 183-192, am 412-414, psd 462, conc H am 769, enr am 1310, enr 1371(Chapter 198)

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. (Carson, Dist 14; et al: Executive Departments and Administration)

intro 63, Finance 146-151, conflict of interest statement 151, 178, 321, 344, 1324, 1364, psd (RC) 316-321, 343, conc H am 1318-1324, enr 1370 (Chapter 202)

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. (Gallus, Dist 1; et al: Finance) intro 52, psd 108, 122, H nonconc 773

SB 159-FN-LOCAL, establishing a state infrastructure bank. (Carson, Dist 14; et al: Transportation) intro 63, Finance 119, Com 321

SB 160-FN, relative to the definition and regulation of installment loans. (Carson, Dist 14; et al: Commerce) intro 63, am & LT 192-194, Finance (RC) 288, psd (RC) 414-415, 462, RIC

- SB 161-FN**, relative to procedures for adoption of agency rules under the administrative procedures act. (Merrill, Dist 21; et al: Executive Departments and Administration) intro 63, am & Finance 221-227, am 321-326, psd 343, conc H am 769, recon & nonconc H am, conf 1287-1288, 1366, rep adop 1591, 1607-1608, enr 1642 (Chapter 252)
- SB 162-FN**, relative to federal health care reform 2010. (White, Dist 9; et al: Commerce) intro 52, Finance report 181, am 194-196, conflict of interest statement 195, 196, 289, 1315, 1364, psd 289, nonconc H am, conf 1315, 1366, rep (not signed off) 1628
- SB 163-FN**, relative to the New Hampshire health benefit exchange. (White, Dist 9; et al: Commerce) intro 63, Finance report 126, Com 139-140, conflict of interest statement 140, 178
- SB 164**, relative to the personal needs allowance of residents of nursing homes. (Larsen, Dist 15; et al: Health and Human Services) intro 52, Finance report 126, LT (RC) 158-159, K 1679
- SB 165-FN**, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax. (Odell, Dist 8; et al: Finance) intro 63, am & LT 415-417, K 1679
- SB 166**, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. (Carson, Dist 14; et al: Executive Departments and Administration) intro 63, psd 384, 462, nonconc H am, conf 1315, 1366, rep adop 1591, 1608-1610, enr 1642 (Chapter 239)
- SB 167-FN-A-LOCAL**, establishing a production jobs creation credit under the business enterprise tax and making changes affecting small business to the business profits tax, the business enterprise tax, and the meals and rooms tax. (Bradley, Dist 3; et al: Ways and Means) intro 63, Finance report 181, Com 251
- SB 168-FN**, conforming the interest and dividends tax to federal tax definitions. (Luther, Dist 12; et al: Ways and Means) intro 52, Finance report 126, am (RC) 176-177, psd 178, RIC
- SB 169-FN**, relative to campaign expenditures and contributions by business organizations and labor unions. (Houde, Dist 5; et al: Public and Municipal Affairs) intro 64, Finance report 126, K (RC) 169-172
- SB 170**, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. (Carson, Dist 14; et al: Executive Departments and Administration) intro 52, am (RC) 384-388, conflict of interest statement 386, 388, 462, 1324, 1364, psd 462, conc H am 1324, enr 1370 (Chapter 201)
- SB 171**, relative to prescription drug benefits for the treatment of pain. (Carson, Dist 14; et al: Health and Human Services) intro 52, am 330-331, psd 343, H nonconc 773
- SB 172**, relative to performance-based school accountability criteria. (Kelly, Dist 10; et al: Education) intro 52, Finance report 126, am 140-141, psd 178, nonconc H am 1317
- SB 173**, proclaiming January 24 of each year as Granny D. Day. (Kelly, Dist 10; et al: Public and Municipal Affairs)
New title: proclaiming January 24, 2012 as Granny D. Day.
intro 53, am 115-117, psd 122, H conc 563, enr 620 (Chapter 86)
- SB 174**, relative to the Concord regional solid waste/resource recovery cooperative. (Larsen, Dist 15; et al: Public and Municipal Affairs) intro 53, psd 117-118, 122, H conc 466, enr am 502-503, enr 539 (Chapter 31)
- SB 175**, regulating the commercial use of a person's identity. (Odell, Dist 8; et al: Commerce) intro 53, Com 366-370
- SB 176**, relative to marriage licenses. (D'Allesandro, Dist 20; et al: Judiciary) intro 53, psd 336, 343, H conc 772, enr 1368 (Chapter 187)
- SB 177**, relative to training of directors and officers of nonprofit corporations. (Odell, Dist 8; et al: Executive Departments and Administration) intro 53, Com 227

- SB 178**, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning. (Kelly, Dist 10; et al: Education) intro 53, Finance report 126, LT (RC) 141-142, K 1679
- SB 179**, relative to qualified purchasing alliances. (Merrill, Dist 21; et al: Commerce) intro 53, am 370-371, conflict of interest statement 371, 462, psd 462, H conc 707, enr 1313 (Chapter 155)
- SB 180**, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. (Larsen, Dist 15; et al: Judiciary) intro 64, psd 336-337, 343, H conc 707, enr 775 (Chapter 126)
- SB 181-FN-LOCAL**, relative to distribution of funds for education. (Bradley, Dist 3; et al: Finance) intro 64, Com 156
- SB 182-FN-A-LOCAL**, relative to video lottery and table gaming, providing property tax relief for local economies, providing services for problem gamers, and promoting tourism and public safety. (D'Allesandro, Dist 20; et al: Ways and Means) intro 64, Finance report 181, Com 251
- SB 183-FN-LOCAL**, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. (Rausch, Dist 19; et al: Finance) intro 64, psd 156-158, 178, nonconc H am, conf 1316, 1366, H rej conf req 1366
- SB 184**, extending the commission to study water infrastructure sustainability funding. (Kelly, Dist 10; et al: Energy and Natural Resources) intro 64, Finance report 126, K 144-145
- SB 185-FN**, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. (D'Allesandro, Dist 20; et al: Executive Departments and Administration) intro 64, Finance report 126, Com 151
- SB 186-FN**, repealing the exemption from the consumer protection act for certain regulated trade and commerce. (Carson, Dist 14; et al: Executive Departments and Administration) intro 64, Finance report 126, Com 151-152, conflict of interest statement 152, 178
- SB 187**, relative to fair debt collection. (Carson, Dist 14; et al: Commerce) intro 64, K 371
- SB 188-FN**, relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities. (Bragdon, Dist 11; White, Dist 9: Executive Departments and Administration) intro 64, Finance report 126, Com 152-153, conflict of interest statement 153, 178
- SB 189**, relative to the definition of mortgage loan originator. (D'Allesandro, Dist 20; et al: Commerce) intro 124, am 371-372, psd 462, conc H am 1318, enr am 1634, enr 1642 (Chapter 240)
- SB 190**, relative to the duties and membership of the executive branch ethics committee. (D'Allesandro, Dist 20: Executive Departments and Administration) intro 124, am 304-305, psd 343, RIC
- SB 191**, relative to the registration of independent contractors for the purposes of workers' compensation. (De Blois, Dist 18: Commerce) intro 125, Com 372-373
- SB 192**, establishing a commission to identify strategies needed for delivering a 21st century education. (Stiles, Dist 24; et al: Education) intro 125, am 200-201, psd, 289, H nonconc 773
- SB 193**, relative to nomination of political organizations. (Stiles, Dist 24; et al: Public and Municipal Affairs) intro 125, psd 439, 462, nonconc H am, conf 1316, 1366, H rej conf req 1366
- SB 194**, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. (Bragdon, Dist 11; et al: Education)

New title: relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.
intro 125, psd, recon, am & LT 201-202, conflict of interest statement 201-202, 251-252, 289, 1325, 1364, am 251-252, psd 289, conc H am 1325, enr 1370 (Chapter 199)

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. (Boutin, Dist 16; et al: Transportation)
intro 125, Finance 240, psd 326-327, 343, H conc 616, enr 677 (Chapter 148)

SB 196, relative to the enrollment of laws. (Bragdon, Dist 11; et al: Internal Affairs)
First new title: relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

Second new title: relative to the renomination or reelection of teachers and grievance procedures.
intro 125, rules suspended & am (RC) 425-430, psd 462, nonconc H am, conf 1316, 1366, 1372, rep adop H 1591, rep adop (RC) 1610-1612, enr 1642 (Chapter 267)

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Kelly, Dist 10; et al: Commerce)
intro 298, SO 351, psd 448-449, 462, H nonconc 708

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF). (Morse, Dist. 22)

New title: relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF) and relative to marital master contracts.
rules suspended 1644-1645, intro & psd (RC) 1667-1669, conc H am (RC) 1672-1673, enr 1680 (Chapter 272)

2011 SENATE CONCURRENT RESOLUTION

SCR 1, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States. (Sen. Groen, Dist 6; et al: Internal Affairs)
intro 53, Com 430-431

2011 SENATE RESOLUTIONS

SR 1, RESOLVED, that the Rules of the 2009-2010 Session be adopted as the Rules of the 2011-2012 Session, with the changes which have been provided here today, and be it further RESOLVED that these Rules may be amended by majority vote for the next three legislative days.
intro & adop 5-6

SR 2, RESOLVED, that the Secretary of State be requested to furnish the Senate with the official return of votes from the various Senatorial Districts.
intro & adop 7-10

SR 3, RESOLVED, that the return of votes from the several Senatorial Districts be referred to a Select Committee of three with instructions to examine and count the same and report to the Senate where any vacancies or contest exists and if so, in what Senatorial District.
intro & adop 10

SR 4, RESOLVED, that the biennium salary of the members of the Senate be paid in one undivided sum as early as practical after adoption of this resolution, and be it further RESOLVED that the mileage of members of the Senate be paid every two weeks during the session.
intro & adop 10

SR 5, RESOLVED, that the Senate, when appropriate, meet in Joint Convention with the House for the purpose of electing the Secretary of State and the State Treasurer.
intro & adop 14

SR 6, RESOLVED, that the Senate meet in Joint Convention for the purpose of canvassing votes for the Governor and Executive Council.
intro & adop 27

- SR 7, RESOLVED**, that the Senate meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor, the Honorable John H. Lynch, and for the taking of the oath by the Executive Council.
intro & adop 29
- SR 8, RESOLVED**, that the Senate notify the Honorable House that it is ready to meet in Joint Convention for the purpose of hearing the Budget Address by his Excellency, Governor John H. Lynch.
intro & adop 67
- SR 9**, requesting an opinion of the justices concerning the constitutionality of HB 89. (Bradley, Dist 3; et al)
intro & adop 577 (opin printed 162 N.H. 160)
- SR 10**, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes. (Barnes, Jr., Dist 17; et al)
intro & adop (RC) 703

2011 SENATE PROCEDURAL INDEX

- Adoption of Rules:** *Organization Day (12/1/10), Convening Day (1/5/11), Regular Session (1/19/11), (3/9/11), (6/22/11), (9/7/11)*
- Divide the Question:** *Regular Session: Senate Rules 4-1 & 5-1 through 5-9 on (1/19/11)*
- Reconsideration:** *SB 161-FN, SB 194, HB 187-FN-A, HB 370*
- Recommitted:** *HB 276-FN, HB 635-FN-A*
- Suspension of Rules:** *SB 33, SB 156, SB 196, SB 198, HB 1-A, HB2-FN-A-L, HB 77, HB 130, HB 136, HB316, HB337-FN-L, HB540, HB 652, HB 654, HB 655, HB 656, HCR 27*

2011 HOUSE BILLS

- HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Finance)
intro 467, remarks 501, SO 777, am (4 RCs) 777-1089, psd 1304, H nonconc, conf 1363, 1372, rules suspended 1374, rep adop (RC) 1374-1440, 1628, enr am 1615, enr 1640 (Chapter 223)
- HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures. (Finance)
intro 467, SO 777, am (9 RCs) 1089-1236, psd 1304, H nonconc, conf 1363, 1372, rules suspended 1374, rep adop (RC) 1440-1565, 1628, enr am 1615-1618, enr 1640 (Chapter 224)
- HB 25-FN-A**, making appropriations for capital improvements. (Capital Budget)
intro 467, am 719-734, psd 771, H nonconc, conf 1362-1363, rep adop 1566-1574, 1628, enr am 1634-1635, enr 1640 (Chapter 253)
- HB 26-FN**, relative to the definition of gross misconduct for purposes of unemployment compensation. (Commerce)
New title: relative to the definition of gross misconduct for purposes of unemployment compensation and relative to disqualification for unemployment benefits.
intro 344, Finance report 571, am 571-573, psd 614, H nonconc, conf 767, 1372, rep adop 1574-1575, 1628, enr am 1635, enr 1640 (Chapter 254)
- HB 27**, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions. (Energy and Natural Resources)
intro 344, psd 475, 498, enr 565 (Chapter 32)
- HB 30**, relative to reciprocity for licensure by the board of veterinary medicine. (Executive Department and Administration)
New title: relative to qualifications for licensure by the board of veterinary medicine.
intro 467, am 592-593, psd 614, H conc 707, enr 1312 (Chapter 132)
- HB 31**, relative to insurance payments for ambulance services. (Commerce)
New title: relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.
intro 344, am 573-576, psd 614, H conc 707, enr 1312 (Chapter 133)

- HB 32**, relative to statutory references to the choice and duties of town auditors. (Public and Municipal Affairs)
intro 295, psd 439, 462, enr 503 (Chapter 4)
- HB 33**, relative to the care of memorials in Franconia Notch state park. (Energy and Natural Resources)
intro 344, am 519-520, psd 535, H nonconc, conf 766-767, rep (not signed off) 1628
- HB 35-FN**, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. (Energy and Natural Resources)
intro 295, Finance 377, psd 523, 535, enr am 617-618, enr 676 (Chapter 102)
- HB 36-FN-L**, reducing the fee for copies of birth certificates. (Ways and Means)
intro 180, Finance report 470, psd & LT 496-497, K 1679
- HB 42**, relative to the appropriate officials with whom to file for a primary. (Public and Municipal Affairs)
intro 295, LT 439, K 1679
- HB 43**, relative to the adoption of forms under the administrative procedures act. (Executive Departments and Administration)
intro 344, psd 594, 614, enr 712 (Chapter 89)
- HB 44**, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act. (Energy and Natural Resources)
intro 295, psd 589, 614, conflict of interest statement 589, 615, enr am 709, enr 775 (Chapter 118)
- HB 45**, relative to the Connecticut Lakes headwater citizens committee. (Energy and Natural Resources)
intro 295, psd 377, 462, enr 503 (Chapter 5)
- HB 46**, relative to the membership of the current use advisory board. (Energy and Natural Resources)
intro 344, psd 475, 498, enr 565 (Chapter 33)
- HB 47**, relative to inactive license status for real estate brokers and salespersons. (Executive Departments and Administration)
New title: relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.
intro 295, am 521-523, psd 535, H conc 707, enr 1312 (Chapter 134)
- HB 51**, relative to screening panel members for screening panels for medical injury claims. (Judiciary)
intro 295, psd 1257-1258, 1305, enr 1371 (Chapter 161)
- HB 52**, relative to grounds for modification of parental rights and responsibilities. (Judiciary)
intro 344, am 651, psd 673, H conc 1308, enr 1371 (Chapter 162)
- HB 55**, adding a member to the exotic aquatic weeds and species committee. (Energy and Natural Resources)
New title: adding members to the exotic aquatic weeds and species committee.
intro 295, am 475-476, psd 498, H conc 616, enr am 675-676, enr 712 (Chapter 90)
- HB 56**, relative to proper observance of September 11, 2001. (Public and Municipal Affairs)
intro 295, psd 550, 562, enr 619 (Chapter 61)
- HB 58**, relative to inter-facility transfers of critical access hospital patients. (Health and Human Services)
intro 344, psd 523-524, 535, enr 619 (Chapter 62)
- HB 61**, relative to daylight saving time. (Public and Municipal Affairs)
intro 538, psd 659, 673, enr 712 (Chapter 103)
- HB 63**, extending the instream pilot program for one year. (Energy and Natural Resources)
intro 295, psd 476-477, 498, enr 565 (Chapter 34)
- HB 67**, expanding the duties of the school administrative unit oversight committee. (Education)
intro 123, am 471-472, psd 498, H nonconc 1362

- HB 69**, relative to the community college system of New Hampshire academic centers. (Education)
intro 123, psd 472-473, 498, conflict of interest statement 473, 499, enr 565 (Chapter 35)
- HB 70**, relative to changes to town charters. (Public and Municipal Affairs)
intro 295, am 489, psd 498, H conc 616, enr 712 (Chapter 91)
- HB 71**, authorizing establishment of pharmaceutical drug take-back programs. (Health and Human Services.)
intro 344, am 524, psd 535, H conc 564, enr 619 (Chapter 63)
- HB 72-FN-A**, establishing a state aeronautical fund. (Transportation)
intro 295, am & Finance 529-530, Com 597
- HB 74**, relative to the ticketing and season passes at Cannon Mountain. (Energy and Natural Resources)
intro 296, Finance 520, psd 739, 771, enr 1367 (Chapter 188)
- HB 77**, relative to amendments to warrant articles. (Public and Municipal Affairs) intro 53-54, rules suspended & psd 55-56, 59, enr 65 (Chapter 1)
- HB 79**, relative to certification of dogs for law enforcement work. (Judiciary)
intro 296, psd 488, 498, enr 565 (Chapter 36)
- HB 80**, relative to ranks in the division of state police. (Executive Departments and Administration)
intro 296, psd 479-480, 498, enr 565 (Chapter 37)
- HB 82**, relative to the annulment of criminal records. (Judiciary)
intro 296, am 1258-1259, psd 1305, H conc 1362, enr 1368 (Chapter 219)
- HB 86**, relative to filling a vacancy among county officers. (Public and Municipal Affairs)
intro 296, psd 527, 535, enr am 618, enr 676 (Chapter 92)
- HB 88**, relative to liquor enforcement and liquor licensing. (Executive Departments and Administration)
intro 296, psd 480, 498, enr 565 (Chapter 38)
- HB 89**, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. (Commerce)
intro 538, LT 576-577, S Ct opin req (SR 9) 577, K 1679
- HB 90**, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (Transportation)
intro 180, am 531, psd 535, H conc 707, enr 1312 (Chapter 149)
- HB 91**, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee. (Capital Budget)
intro 180, psd 352, 462, enr 503 (Chapter 6)
- HB 92**, relative to expiration of licenses issued by the board of foresters. (Executive Departments and Administration)
intro 296, psd 523, 535, enr 619 (Chapter 64)
- HB 93**, relative to medical documentation for a crossbow permit for a person with a disability. (Energy and Natural Resources)
intro 296, psd 377-378, 462, enr 503 Chapter 7)
- HB 95**, permitting an insurer to operate a health maintenance organization as a line of business. (Commerce)
intro 296, psd 470, 498, conflict of interest statement 470, 499, enr 565 (Chapter 39)
- HB 102**, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (Executive Departments and Administration)
intro 467, Com 594, conflict of interest statement 594, 615
- HB 106**, relative to filing for town offices. (Public and Municipal Affairs)
intro 296, psd 489-490, 498, enr 565 (Chapter 40)
- HB 109**, relative to residential fire sprinklers. (Public and Municipal Affairs)
intro 344, am 660, conflict of interest statement 660, 674, 1620, 1626, psd 673, H conc 772, enr 1367, H override veto 1618, veto overridden (RC) 1618-1620 (Chapter 203)

- HB 110**, requiring professional safety and security services personnel to report certain criminal offenses. (Judiciary)
intro 502, Com 1259
- HB 111**, relative to redispensing unused drugs. (Health and Human Services)
intro 180, psd 485, 498, enr 565 (Chapter 41)
- HB 112**, relative to the required number of instructional days and instructional hours in a school district's calendar. (Education)
intro 124, psd 473, 498, enr 566 (Chapter 42)
- HB 113**, prohibiting the use of state funds for New Hampshire public television. (Finance)
intro 180, LT (RC) 645, K 1679
- HB 114**, reinstating and expanding the duties of the joint legislative historical committee. (Internal Affairs)
intro 564, psd 650, 673, enr 712 (Chapter 104)
- HB 115**, relative to the temporary removal or transfer of prisoners from a county correctional facility. (Public and Municipal Affairs)
intro 296, psd 527-528, 535, enr 619 (Chapter 65)
- HB 116**, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. (Transportation)
intro 124, psd 340, 343, enr 503 (Chapter 8)
- HB 117**, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. (Transportation)
intro 124, psd 340-341, 343, enr 504 (Chapter 9)
- HB 119**, relative to agency membership on the information technology council. (Executive Departments and Administration)
intro 296, am 737-738, psd 771, H nonconc 1362
- HB 130**, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. (Education)
First new title: relative to accountability for the opportunity for an adequate education.
Second new title: relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.
intro 124, am, rules suspended & am 1240-1244, psd 1305, H conc 1362, enr am 1636, enr 1641 (Chapter 255)
- HB 131**, relative to indemnification of volunteers performing duties in the state park system. (Judiciary)
intro 502, Finance report 571, 613, am 651-652, psd 673, H nonconc, conf 1363, rep adop 1575-1576, 1628, enr 1641 (Chapter 256)
- HB 132**, adopting and implementing the United States flag code. (Public and Municipal Affairs)
intro 296, am 528-529, psd 535, H conc 616, enr am 709, enr 775 (Chapter 127)
- HB 133**, relative to the minimum wage. (Commerce)
intro 344, psd (RC) 678-679, 704, enr 1312, H overrode veto 1618, veto overridden (RC) 1621-1622 (Chapter 204)
- HB 134**, relative to eligibility for walking disability plates. (Transportation)
intro 344, K 608
- HB 136-FN**, repealing the uniform athlete agents act. (Executive Departments and Administration)
intro 296, Finance report 470, LT 480-481, 1276-1279, rules suspended & am 1290-1292, psd 1305, H nonconc 1362
- HB 141**, relative to protected utility services. (Judiciary)
intro 502, am 1259-1260, psd 1305, H nonconc, conf 1364-1365, rep (not signed off) 1628
- HB 142-FN**, relative to sales of artificial flowers and miniature flags. (Commerce)
intro 296, Finance report 470, psd 471, 498, enr am 564-565, enr 619 (Chapter 66)
- HB 143**, relative to the sale of stove polish. (Commerce)
intro 296, psd 505-506, 535, enr 619 (Chapter 67)

- HB 144**, relative to energy efficiency and clean energy districts. (Energy and Natural Resources)
intro 344, psd 520-521, 535, enr 620 (Chapter 68)
- HB 145**, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (Judiciary)
intro 344, Com 1260-1261
- HB 146**, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (Judiciary)
intro 345, SO 1257, K rej (div) & Com 1263-1265
- HB 147-FN**, making the commission of certain offenses punishable under the capital murder statute. (Judiciary)
intro 502, Finance report 541, SO 1257, am 1265-1269, psd 1305, H conc 1362, enr 1368 (Chapter 222)
- HB 148**, relative to federal funding for motorcycle-only roadside checkpoints. (Transportation)
intro 180, psd 531-532, 535, enr 620 (Chapter 69)
- HB 149**, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. (Energy and Natural Resources)
intro 345, am 589-590, conflict of interest statement 590, 615, psd 614, H conc 707, enr 1312 (Chapter 135)
- HB 150**, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. (Executive Departments and Administration)
intro 296, psd 595, 614, enr 712 (Chapter 93)
- HB 155**, relative to permits to conduct raffles. (Public and Municipal Affairs)
intro 296, am 490, psd 498, H conc 616, enr 712 (Chapter 94)
- HB 156-FN-A**, reducing the rates of the tobacco tax. (Ways and Means)
intro 345, LT 552, K 1679
- HB 158**, relative to the misuse of social security numbers. (Judiciary)
intro 345, Com 1261
- HB 160**, relative to the powers of the joint committee on legislative facilities. (Internal Affairs)
intro 538, K 650
- HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire. (Education)
intro 124, am & LT (RC) 1244-1246, K 1679
- HB 167**, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie. (Energy and Natural Resources)
intro 296, psd 378, 462, enr 504 (Chapter 10)
- HB 168**, establishing a committee to study the juvenile delinquency and child in need of services statutes. (Health and Human Services)
intro 538, psd 599, 614, enr 676 (Chapter 105)
- HB 170**, conferring degree-granting authority to the Upper Valley Educators Institute. (Education)
intro 124, psd 473-474, 498, enr 566 (Chapter 43)
- HB 172**, relative to transporting school children to school and school-supported activities. (Education)
intro 124, psd 474, 498, enr 566 (Chapter 44)
- HB 173**, relative to service of process on commercial tenants. (Commerce)
intro 296, am 735, conflict of interest statement 735, 772, psd 771, H conc 1362, enr 1368 (Chapter 208)
- HB 174**, relative to insurance coverage for court-ordered counseling in divorce proceedings. (Judiciary)
intro 296, psd 652, 673, enr 712 (Chapter 106)

- HB 175**, relative to technical changes in life, accident, and health insurance. (Commerce)
intro 345, am 541, conflict of interest statement 541, 562, psd 562, H conc 707, enr
am 1310-1311, enr 1371 (Chapter 189)
- HB 178**, establishing a committee to study issues regarding Financial Resources Mortgage,
Inc. (Executive Departments and Administration)
intro 467, am 595-596, psd 614, H conc 707, enr 775 (Chapter 119)
- HB 181**, permitting the charter of a city, town, or school district which is in statute to
revert to the control of the voters. (Public and Municipal Affairs)
intro 296, K 606-607
- HB 185-FN**, relative to determining bargaining units for purposes of public employee
collective bargaining. (Public and Municipal Affairs)
intro 297, Finance report 470, psd (RC) 490-492, 498, enr 566 (Chapter 45)
- HB 186-FN**, relative to the definition of political communication. (Public and Municipal
Affairs)
intro 345, Finance report 470, Com 492
- HB 187-FN-A**, relative to the carry forward periods for the business enterprise tax credit
against the business profits tax. (Ways and Means)
intro 180, Finance 552, psd, recind, & LT 689, recon & am (RC) 1279-1282, psd 1305,
H conc 1362, enr 1369 (Chapter 225)
- HB 188**, relative to division responsibility for road toll administration, hazardous waste
transport, truck weight enforcement, and the international registration plan by the
department of safety and relative to clerical support for the advisory board of fire
control. (Transportation)
intro 124, psd 341, 343, enr 504 (Chapter 11)
- HB 190**, relative to legislative study committees. (Internal Affairs)
intro 564, am 650-651, psd 673, H conc 773, enr 1367 (Chapter 163)
- HB 191**, relative to the community mental health system. (Health and Human Services)
intro 345, Finance 485-486, am 739-740, psd 771, H conc 1308, enr am 1366-1367,
enr 1369 (Chapter 209)
- HB 192**, relative to commercial motor vehicle registration. (Transportation)
intro 124, psd 341-342, 343, enr 504 (Chapter 12)
- HB 195**, relative to special permits for transportation of deer. (Energy and Natural Re-
sources)
intro 297, psd 378, 462, enr 504 (Chapter 13)
- HB 196**, relative to the certificates of completion of a basic hunter education program or
bow hunter education program. (Energy and Natural Resources)
intro 345, psd 521, 535, enr 620 (Chapter 70)
- HB 198**, relative to the investment options for county funds. (Public and Municipal Affairs)
intro 297, psd 550-551, 562, enr 620 (Chapter 71)
- HB 205-FN**, relative to notice to owners of upstream dams. (Energy and Natural Resources)
intro 467, Finance report 622, am 625-626, psd 673, H conc 773, enr 1367 (Chapter 164)
- HB 206-FN**, establishing an apprentice hunting license. (Energy and Natural Resources)
intro 345, Finance report 470, psd 477, 498, enr 566 (Chapter 46)
- HB 209**, establishing a study committee to recommend a continuing revenue estimating
process to produce revenue forecasts. (Ways and Means)
intro 180, K 612
- HB 210-FN**, relative to the use of deadly force to protect oneself. (Judiciary)
intro 345, Finance report 622, am & Com 652-653
- HB 211**, relative to the review and approval of proposed agency rules under the adminis-
trative procedures act. (Executive Departments and Administration)
intro 345, psd 641, 673, enr 712 (Chapter 107)
- HB 216**, relative to the instructional authority of school boards. (Education)
intro 124, psd 585-586, 614, enr 712 (Chapter 108)
- HB 218**, repealing the New Hampshire rail transit authority. (Transportation)
New title: relative to the New Hampshire rail transit authority.
intro 345, am (3 RCs) 662-672, psd 673, H conc 1308, enr 1308, H sustained veto 1671

- HB 225-FN**, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. (Judiciary)
intro 468, Finance report 622, Com 654
- HB 229-FN-A**, repealing the tax on gambling winnings. (Ways and Means)
intro 345, Finance report 470, psd 497, 498, enr 566 (Chapter 47)
- HB 230**, exempting the repair of certain structures from compensatory mitigation requirements. (Energy and Natural Resources)
intro 297, K 521
- HB 231-FN**, relative to payment of medical benefits for state retirees, their spouses, and dependents. (Executive Departments and Administration)
intro 345, Finance report 470, K (RC) 481-483
- HB 246**, relative to prearranged funeral contracts or burial plans. (Commerce)
intro 345, psd 578, 614, enr am 709-710, enr 775 (Chapter 120)
- HB 248**, establishing a commission to study business regulations in New Hampshire. (Commerce)
intro 538, am (2 RCs) 679-687, psd 704, H nonconc, conf 1363, rep adop 1576-1577, 1629, enr am 1636-1637, enr 1640 (Chapter 263)
- HB 251**, relative to absentee ballots. (Public and Municipal Affairs)
intro 345, psd 551, 562, enr 620 (Chapter 72)
- HB 254**, relative to offers of judgments. (Judiciary)
intro 345, K 748
- HB 257**, relative to removal of political advertising. (Public and Municipal Affairs)
intro 345, K 660
- HB 258**, eliminating certain unenforced election laws. (Public and Municipal Affairs)
intro 345, psd 697, 704, enr 1312 (Chapter 150)
- HB 259**, requiring the supreme court to adopt rules of evidence for the judicial branch family division. (Judiciary)
intro 297, K 1261-1262
- HB 262-FN**, relative to beverage manufacturers. (Commerce)
intro 345, Finance report 505, psd 506, 535, enr am 710, enr 775 (Chapter 128)
- HB 274-FN**, relative to voting procedures. (Public and Municipal Affairs)
intro 468, Finance report 541, psd 551, 562, enr 620 (Chapter 73)
- HB 276-FN**, relative to wine manufacturers. (Commerce)
intro 345, Finance report 622, rcmt 622, psd 1236-1240, 1305, enr 1371 (Chapter 165)
- HB 277-FN**, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. (Ways and Means)
intro 345, Finance report 541, psd 552, 562, enr 620 (Chapter 74)
- HB 278**, setting the natural high water mark of Ossipee Lake. (Energy and Natural Resources)
New title: setting the natural mean high water mark of Ossipee Lake.
intro 297, am 477-478, psd 498, H conc 616, enr 712 (Chapter 95)
- HB 284-FN**, relative to contact lens prescriptions. (Health and Human Services)
intro 468, Finance report 571, psd 599-600, 614, enr am 710-711, enr 775 (Chapter 121)
- HB 288-FN-L**, relative to payment for election services to unincorporated places. (Public and Municipal Affairs)
New title: relative to payment for election services by unincorporated places.
intro 297, Finance report 351, psd 440, 462, enr am 503, enr 539 (Chapter 22)
- HB 289**, relative to procedures followed by funeral directors. (Health and Human Services)
intro 180, psd 486, 498, enr 566 (Chapter 48)
- HB 290**, relative to staffing exceptions for small schools. (Education)
intro 346, K 624-625
- HB 291**, relative to permissible fireworks. (Commerce)
intro 538, psd 622, 674, enr am 773, enr 1312 (Chapter 160)

- HB 295**, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Health and Human Services)
intro 468, am 600-604, psd 614, H conc 707, enr 1312 (Chapter 157)
- HB 298**, requiring condominium management companies to make certain disclosures to the condominium board of directors. (Commerce)
intro 346, psd 578, 614, enr 712 (Chapter 96)
- HB 299-FN**, relative to the method of financing for the judicial retirement plan. (Executive Departments and Administration)
intro 297, Finance report 622, am 641-642, psd 674, H nonconc, conf 767, rep adop 1577-1578, 1629, enr 1641 (Chapter 257)
- HB 305**, relative to the homestead right. (Judiciary)
intro 346, LT 748, K 1679
- HB 307**, relative to the authority of the superintendent of a county correctional facility. (Judiciary)
intro 297, K 697
- HB 313**, requiring parental consent for court referral of a minor to a juvenile diversion program. (Judiciary)
intro 297, psd 654, 674, enr am 774, enr 1312 (Chapter 151)
- HB 316**, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. (Public and Municipal Affairs)
New title: relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.
intro 346, rules suspended & am 697-699, psd 704, H conc 773, enr 1367 (Chapter 206)
- HB 317**, relative to fire warning devices and carbon monoxide detection devices in dwellings. (Commerce)
intro 346, psd 622-623, 674, enr 775 (Chapter 129)
- HB 322**, relative to occupancy fees charged by manufactured housing park owners. (Commerce)
intro 346, am 735-736, psd 771, H conc 1308, enr 1371 (Chapter 166)
- HB 329-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Judiciary)
intro 346, Finance report 541, psd (3 RCs) 749-763, 771, enr 1368, H override veto 1618, veto overridden (RC) 1622-1625 (Chapter 205)
- HB 330-FN**, relative to carrying firearms. (Judiciary)
intro 468, Finance report 622, Com 655
- HB 331-FN**, relative to posting agency expenditures on the state transparency website. (Executive Department and Administration)
intro 468, Finance report 541, psd 545, 562, enr 620 (Chapter 75)
- HB 333-FN**, repealing certain provisions relating to the sale of oleomargarine. (Commerce)
intro 346, Finance report 470, psd 471, 498, conflict of interest statement 471, 499, enr 566 (Chapter 49)
- HB 335-FN-A**, establishing multi-use number plates. (Transportation)
intro 346, LT 608-611, K 1679
- HB 336**, designating segments of the Mascoma River as a protected river. (Energy and Natural Resources)
intro 297, psd 478, 499, enr 566 (Chapter 50)
- HB 337-FN-L**, relative to the calculation and distribution of adequate education grants. (Finance)
New title: amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.
intro 468, am 741-745, psd 771, H nonconc, conf 1363, 1372, rules suspended 1374, rep adop 1578, 1629, enr am 1637, enr 1641 (Chapter 258)

- HB 339-FN-A**, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. (Executive Departments and Administration)
intro 346, Finance 483-484, psd 597-598, 614, enr am 711-712, enr 775 (Chapter 130)
- HB 341**, relative to local spending caps. (Public and Municipal Affairs)
intro 346, LT 699, K 1679
- HB 347**, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (Transportation)
intro 346, am 611, psd 614, H conc 773, enr 1368 (Chapter 167)
- HB 348-FN**, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. (Ways and Means)
New title: relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.
intro 346, Finance report 541, LT 552-561, am 1284-1287, psd 1305, H nonconc, conf 1365, 1372, rep adop 1578-1579, 1629, enr am 1637-1638, enr 1641 (Chapter 259)
- HB 355**, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. (Executive Departments and Administration)
New title: enabling state and local fire and building officials to issue citations for violations of certain fire safety rules and licensing violations for gas fitters, electricians, and plumbers.
intro 346, am 738-739, psd 771, H conc 1362, enr 1369 (Chapter 210)
- HB 358**, relative to the maintenance, repair, and preservation of burial grounds. (Public and Municipal Affairs)
intro 346, psd 607, 614, enr 712 (Chapter 97)
- HB 363-L**, relative to Depot Street in the town of Andover. (Transportation)
intro 124, psd 342, 343, enr 504 (Chapter 15)
- HB 364**, relative to the membership of the state committee on aging. (Health and Human Services)
intro 180, psd 486-487, 499, enr 566 (Chapter 51)
- HB 368-FN-L**, relative to workforce housing and the definition of community. (Public and Municipal Affairs)
intro 346, Finance report 470, K 492-493
- HB 369-FN-L**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. (Education)
intro 346, Finance report 470, LT 474, K 1679
- HB 370**, making changes to the pupil safety and violence prevention act. (Education)
intro 346, K (RC) 586-587, recon & K (RC) 592
- HB 374**, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Transportation)
intro 468, K 612
- HB 375**, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil. (Judiciary)
intro 502, SO 1257, am (RC) 1269-1272, psd 1305, H nonconc, conf 1365, rep (not signed off) 1628
- HB 378-FN**, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force. (Judiciary)
intro 346, Finance report 622, Com 655
- HB 380**, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (Executive Departments and Administration)
intro 297, am 596, psd 615, H nonconc, conf 767, rep adop 1579-1581, 1629, enr 1641, H sustained veto 1671

- HB 381**, authorizing net metering for micro-combined heat and power systems. (Energy and Natural Resources)
intro 346, am 590-591, psd 615, H conc 707, enr am 1311, enr 1371 (Chapter 168)
- HB 382**, relative to the maintenance of municipal public cemeteries. (Public and Municipal Affairs)
intro 347, Com 699
- HB 386**, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. (Education)
intro 347, psd 519, 536, enr 620 (Chapter 76)
- HB 387**, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. (Energy and Natural Resources)
intro 347, Com 591-592
- HB 390**, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. (Internal Affairs)
New title: relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.
intro 564, am & Executive Departments and Administration 690-694, am 1249-1251, psd 1305, H conc 1362, enr am 1638, enr 1642 (Chapter 231)
- HB 392**, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. (Executive Departments and Administration)
intro 297, psd 739, 771, enr 1368 (Chapter 169)
- HB 397**, relative to image display devices in motor vehicles. (Transportation)
intro 347, LT 532, am 561, psd 562, H conc 707, enr 1312 (Chapter 136)
- HB 398**, relative to service animals. (Public and Municipal Affairs)
intro 468, psd 660-661, 674, enr am 774, enr 1368 (Chapter 170)
- HB 399**, relative to nonresident registration of motor vehicles. (Transportation)
intro 124, psd 342, 343, enr 504 (Chapter 16)
- HB 401**, relative to postsecondary training for workers with disabilities. (Education)
intro 347, psd 587, 615, enr 712 (Chapter 98)
- HB 404**, relative to toilet facilities at recreational campgrounds or camping parks. (Energy and Natural Resources)
intro 347, psd 478, 499, enr 566 (Chapter 52)
- HB 405**, relative to dissolving corporations. (Commerce)
intro 347, Com 541-542
- HB 409**, relative to planning board members. (Public and Municipal Affairs)
intro 347, am 700, psd 704, H conc 773, enr 1368 (Chapter 190)
- HB 410**, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee. (Public and Municipal Affairs)
intro 297, psd 440, 462, enr 504 (Chapter 17)
- HB 411**, relative to distributing campaign materials at the polling place. (Public and Municipal Affairs)
intro 347, Finance report 571, K 607-608
- HB 413**, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. (Executive Departments and Administration)
intro 297, psd 642, 674, enr 712 (Chapter 109)
- HB 418-FN**, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. (Executive Departments and Administration)
intro 468, Finance report 571, Com 596-597
- HB 419-FN**, relative to language in insurance certificates. (Commerce)
intro 347, Finance report 541, am 542-543, psd 562, H conc 707, enr 1312 (Chapter 137)

- HB 424**, relative to surplus lines tax collection. (Commerce)
intro 347, am 578-579, psd 615, H conc 707, enr 1368 (Chapter 191)
- HB 426**, adding certain entities to the unused prescription drug program. (Health and Human Services)
intro 347, LT 524, psd 561, 562, enr am 676, enr 712 (Chapter 99)
- HB 429**, permitting a child 16 years of age or older to withdraw from school with parental permission. (Education)
intro 347, K (RC) 1246-1249
- HB 431**, relative to psychiatric evaluations. (Judiciary)
intro 347, psd 606, 615, enr 712 (Chapter 110)
- HB 438-FN-A**, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts. (Finance)
intro 468, psd 598, 615, enr 676 (Chapter 87)
- HB 439-FN-L**, relative to claiming an invasive species as a habitat. (Energy and Natural Resources)
intro 347, Finance report 470, Com 478-479, conflict of interest statement 479, 499
- HB 441-FN**, relative to muffling devices on boats. (Transportation)
intro 181, Finance report 351, psd 440-441, 462, enr 504 (Chapter 18)
- HB 442-FN**, relative to the use of marijuana for medicinal purposes. (Health and Human Services)
intro 347, Finance report 622, LT 645-649, K 1679
- HB 444-FN**, relative to the commemoration of General John Stark Day. (Public and Municipal Affairs)
intro 347, Finance report 470, am (RC) 493-495, psd 499, H conc 564, enr 620 (Chapter 77)
- HB 450**, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. (Executive Departments and Administration)
intro 347, K 642, conflict of interest statement 642, 674
- HB 451-FN**, relative to prerecorded political messages. (Public and Municipal Affairs)
intro 347, Finance report 505, LT 529, K 1679
- HB 457-FN**, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. (Public and Municipal Affairs)
intro 347, Finance report 470, K 495
- HB 461-FN**, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. (Executive Departments and Administration)
intro 347, Finance 597, psd 689, 705, enr 1312 (Chapter 158)
- HB 462-FN**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Executive Departments and Administration)
intro 347, am & Finance 642-644, am 1253-1254, psd 1305, H nonconc, conf 1363, rep adop 1581-1582, 1629, enr 1641 (Chapter 230)
- HB 464-FN**, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. (Executive Departments and Administration)
intro 348, Finance report 470, am 484, psd 499, H conc 564, enr 620 (Chapter 60)
- HB 466-FN**, eliminating the ballot law commission. (Public and Municipal Affairs)
intro 468, Finance report 571, Com 608
- HB 468-FN**, relative to assessments for aquatic resource compensatory mitigation. (Energy and Natural Resources)
intro 468, Finance report 622, am 626-627, psd 674, H conc 773, enr 1368 (Chapter 171)
- HB 474-FN**, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (Commerce)
New title: relative to freedom of choice on whether to join a labor union.
intro 468, Finance report 505, am (RC) 506-519, psd 536, remarks 536-537, H conc 616, enr 620, H sustained veto 1671

- HB 478-FN-L**, relative to testimony by video teleconference. (Judiciary)
intro 348, am & Finance 655-656, psd 745, 771, H conc 1363, enr 1369 (Chapter 220)
- HB 479-FN**, relative to receivership of nursing homes and other residential health care facilities. (Health and Human Services)
intro 468, Finance report 622, Com 649-650
- HB 483-FN-L**, relative to mosquito control. (Health and Human Services)
intro 348, Finance report 505, am 524-526, psd 536, H nonconc, conf 767, rep adop 1582-1583, 1629, enr 1641 (Chapter 260)
- HB 487-FN**, relative to election day registrants. (Public and Municipal Affairs)
intro 468, Finance report 622, am (RC) 661-662, psd 674, H conc 773, enr 1368 (Chapter 192)
- HB 488-FN**, relative to criminal records checks for employment with child day care agencies. (Health and Human Services)
intro 181, Finance report 571, psd 604-605, 615, enr 712 (Chapter 100)
- HB 489-FN**, establishing a health information organization corporation. (Commerce)
intro 348, Finance report 571, am (RC) & Finance 579-584, psd 1254, 1305, H conc 1363, enr am 1639, enr 1642 (Chapter 232)
- HB 490-FN**, adopting the interstate compact for juveniles. (Judiciary)
intro 468, Finance 656-657, psd 1254, 1305, enr am 1639-1640, enr 1642 (Chapter 233)
- HB 491-FN**, relative to divestiture of retirement system assets relating to Sudan. (Executive Departments and Administration)
intro 348, Finance report 470, psd 485, 499, enr 566 (Chapter 53)
- HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision. (Executive Departments and Administration)
intro 348, psd 545, 562, enr 620 (Chapter 78)
- HB 504-FN**, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership. (Health and Human Services)
intro 468, Finance report 571, psd 605, 615, enr 712 (Chapter 111)
- HB 505-FN**, making charter schools eligible for grants for leased space. (Education)
intro 348, Finance 474, psd 1254-1255, 1305, enr 1371 (Chapter 193)
- HB 508-FN**, establishing a performance measurement system for state agencies. (Executive Departments and Administration)
intro 348, Finance 597, Com 745
- HB 510**, requiring marital masters to be New Hampshire residents. (Judiciary)
intro 297, K 763-764
- HB 511**, relative to retired judges over 70 years of age. (Judiciary)
intro 297, am 1262-1263, psd 1305, H conc 1362, enr 1369 (Chapter 221)
- HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Energy and Natural Resources)
intro 468, am (2 RCs) & Finance 627-640, am (RC) 1255-1257, psd 1305, H nonconc, conf 1365, rep (not signed off) 1628
- HB 520**, requiring certain bills to have performance standard notes. (Finance)
intro 538, Com 746
- HB 521**, relative to meeting dates for county conventions. (Public and Municipal Affairs)
intro 348, psd 662, 674, enr 712 (Chapter 112)
- HB 524-FN**, relative to the release of prisoners on probation or parole. (Judiciary)
intro 348, Finance report 541, am 546-550, psd 562, H nonconc 707
- HB 525**, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. (Transportation)
intro 181, SO & psd (RC) 351-352, 462, enr 504 (Chapter 14)
- HB 528-FN-L**, requiring school districts to develop a facility maintenance and capital improvement program. (Education)
intro 348, Com 587-588

- HB 532-L**, relative to municipal liability for dog bites. (Judiciary)
intro 348, psd 657, 674, enr am 775, enr 1312 (Chapter 152)
- HB 535**, relative to the committee to study parole boards and parole board procedures. (Judiciary)
intro 297, psd 488-489, 499, enr 566 (Chapter 54)
- HB 540-FN**, relative to motor vehicle inspections. (Transportation)
intro 348, rules suspended & K (RC) 764-766
- HB 541**, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. (Public and Municipal Affairs)
intro 468, psd 700, 705, conflict of interest statement 700, 705, enr 1312 (Chapter 138)
- HB 542-FN**, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. (Education)
New Title: relative to exceptions for objectionable material in public school courses.
intro 348, Finance report 470, LT (RC) 474-475, remarks 500-501, K rej (Div) & am 1272-1274, psd 1305, H nonconc, conf 1365, 1372, rep adop (RC) 1583-1585, 1629, enr 1641, H sustained veto 1670 (see clerk's note), H overrode veto 1673, veto overridden (RC) 1673-1675 (Chapter 271)
- HB 544**, relative to state authority over firearms and ammunition. (Judiciary)
intro 348, am 657-658, psd 674, H conc 707, enr 1312 (Chapter 139)
- HB 548**, relative to boater safety education and relative to the minimum age for operation of motorized vessels. (Transportation)
intro 348, K 532-533
- HB 549**, relative to driver's license reexaminations. (Transportation)
intro 348, psd 533-534, 536, enr 620 (Chapter 79)
- HB 555**, relative to the designation of the Lower Exeter/Squamscott River as a protected river. (Energy and Natural Resources)
intro 297, psd 592, 615, enr 712 (Chapter 113)
- HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. (Ways and Means)
intro 348, am & Finance 672-673, psd & LT 690, K 1679
- HB 558**, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. (Transportation)
intro 348, psd 534, 536, enr 620 (Chapter 80)
- HB 565**, establishing a dental hygienists committee within the board of dental examiners. (Executive Departments and Administration)
intro 348, psd 1251-1252, 1305, enr 1371 (Chapter 172)
- HB 570**, relative to licensure of guides by the fish and game department. (Energy and Natural Resources)
intro 297, psd 479, 499, conflict of interest statement 479, 499, enr 566 (Chapter 55)
- HB 571-FN**, relative to lobster and crab licenses issued by the fish and game department. (Energy and Natural Resources)
intro 348, Finance report 470, psd 479, 499, enr am 565, enr 620 (Chapter 81)
- HB 572-FN**, relative to official oppression. (Judiciary)
intro 297, Finance report 541, K 550
- HB 579**, exempting department of revenue administration guidelines from the right-to-know law. (Ways and Means)
New title: exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.
intro 349, am 612-613, psd 615, H conc 773, enr 1368 (Chapter 173)
- HB 580-FN-L**, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. (Executive Departments and Administration)
New title: establishing a committee to study collective bargaining by public employees.
intro 469, Finance report 541, am 545-546, psd 562, H conc 616, enr 712 (Chapter 101)

- HB 585**, proclaiming the third Friday in October as New Hampshire history day. (Public and Municipal Affairs)
New title: proclaiming the third week of October as New Hampshire history week.
intro 469, am 701, psd 705, H conc 773, enr am 1311-1312, enr 1371 (Chapter 174)
- HB 588**, relative to polling hours and location of polling places. (Public and Municipal Affairs)
intro 349, Com 701-702
- HB 589**, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. (Commerce)
intro 349, psd (RC) 687-688, 705, enr 1312 (Chapter 159)
- HB 590**, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. (Internal Affairs Committee.)
New title: establishing a committee to review state participation in federal grant-in-aid programs.
intro 564, LT 694-695, am 1283-1284, psd 1305, H conc 1362, enr 1369 (Chapter 226)
- HB 594**, relative to the application of procedures for discharge or suspension from county employment. (Public and Municipal Affairs)
intro 349, psd 702, 705, enr 1312 (Chapter 153)
- HB 597**, revising the child support guidelines based on an income shares model of calculating child support. (Judiciary)
intro 349, Com 1263
- HB 601-FN**, relative to implementation of federal health care reform. (Commerce)
intro 349, Finance report 541, am 543-545, psd 562, H nonconc, conf 1363, 1372, rep adop (RC) 1585-1588, 1629, conflict of interest statement 1588, 1626, enr 1641 (Chapter 264)
- HB 603**, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official. (Public and Municipal Affairs)
intro 469, K 702-703
- HB 605**, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Commerce)
intro 538, am 623-624, conflict of interest statement 623-624, 674, 1363, 1364, 1590, 1626, psd 674, H nonconc, conf 1363-1364, rep adop 1589-1590, 1629, enr 1641 (Chapter 261)
- HB 609-FN**, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division. (Judiciary)
intro 349, Finance report 505, psd 526-527, 536, enr am 618-619, enr 676 (Chapter 88)
- HB 614**, requiring a performance audit of the guardian ad litem board and guardian ad litem services. (Judiciary)
intro 298, LT 658, K 1679
- HB 617**, repealing the prohibitions on Sunday business activities. (Commerce)
intro 349, LT 624, K 1679
- HB 621-FN-L**, relative to the authority of the department of transportation. (Transportation)
intro 349, Finance report 505, psd 534, 536, enr am 619, enr 676 (Chapter 114)
- HB 622**, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (Public and Municipal Affairs)
intro 298, am 495-496, psd 499, H nonconc, conf 767-768, rep adop 1590, 1629, enr 1641 (Chapter 262)
- HB 623**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. (Executive Departments and Administration)
intro 349, am 1252-1253, psd 1305, H conc 1362, enr 1369 (Chapter 227)
- HB 627-FN**, relative to "essential benefits" under federal health care reform. (Commerce)
intro 349, Finance report 470, Com 471

- HB 629-FN**, relative to the uninsured health care database. (Commerce)
intro 349, Finance report 571, psd (RC) 584-585, 615, enr 713 (Chapter 115)
- HB 632**, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. (Health and Human Services.)
intro 349, Com 605
- HB 634-FN**, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. (Judiciary)
intro 298, Finance report 622, LT 658-659, K 1679
- HB 635-FN-A**, requiring the governor to consolidate certain agency functions and making an appropriation therefor. (Finance)
intro 469, rcmt 598-599, conflict of interest statement 599, 615, 746, 772, psd 746, 771, enr 1368 (Chapter 200)
- HB 642-FN**, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. (Health and Human Services.)
intro 349, Finance 606, psd 746, 772, enr 1368 (Chapter 194)
- HB 647**, relative to withholding of wages. (Commerce)
intro 349, psd 688-689, 705, enr 1313 (Chapter 140)
- HB 648**, relative to eminent domain petitions by public utilities. (Judiciary)
intro 564, SO 1257, 1263, Com (RC) 1292-1304
- HB 650-FN-L**, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. (Education)
intro 349, Finance report 571, LT 588-589, am 1274-1276, psd 1305, H conc 1362, enr 1369 (Chapter 211)
- HB 651**, allowing the sale and possession of monk parakeets. (Energy and Natural Resources)
intro 538, psd 640-641, 674, enr 713 (Chapter 116)
- HB 652-FN**, establishing a commission relative to Medicaid managed care. (Finance)
rules suspended & intro (RC) 1676-1678
- HB 654-FN-L**, relative to credit for retirement system employer contribution overpayments. (Executive Departments and Administration)
rules suspended & intro (RC) 1676-1678
- HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center (Public and Municipal Affairs)
rules suspended & intro (RC) 1676-1678
- HB 656**, relative to boundaries of wards. (Internal Affairs)
rules suspended & intro (RC) 1676-1678

2011 HOUSE CONCURRENT RESOLUTIONS

- HCR 6**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. (Internal Affairs)
intro 538, LT 695-696, K 1680
- HCR, 9** urging Congress to support H.R. 6416 or similar legislation relative to airport security. (Internal Affairs)
New title: urging the President and Congress to address the privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency at the nation's airports.
intro 538, am 747-748, adop 772, H conc 1308, enr am 1367
- HCR 11**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. (Internal Affairs)
intro 538, LT 696-697, K 1680
- HCR 12**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. (Internal Affairs)
intro 538, LT 697, K 1680

- HCR 19**, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. (Internal Affairs)
intro 538, LT (RC) 748, K 1680
- HCR 22**, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location. (Commerce)
intro 564, adop 736-737, 772
- HCR 27**, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.
intro, rule suspended & adop (RC) 704, 705

2011 HOUSE JOINT RESOLUTIONS

- HJR 3**, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. (Health and Human Services)
intro 298, psd 487-488, 499, enr 566 (Chapter 56)
- HJR 4**, prohibiting the implementation of certain rules of the board of medicine. (Health and Human Services)
intro 617, LT 747, K 1680

2011 CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 5**, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. (Sen. Morse, Dist 22: Internal Affairs)
intro 30, adop (RC) 331-334, 342, H LT 617, died on the table 1671
- CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (Internal Affairs)
intro 564, Com 1257
- CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (Internal Affairs)
intro 538, Com 1257
- CACR 14**, relating to the funding of public education. Providing that the general court shall define reasonable standards for elementary and secondary public education, establish reasonable standards of accountability, and mitigate local disparities in educational opportunity and fiscal capacity. (Stiles, Dist 24; et al: Internal Affairs)
- New title**: relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.
intro 90, am (RC) 417-425, adop 461, H LT 1308, H nonconc 1670

TABLE OF REFERENCES FROM CHAPTER OF 2011 LAWS TO BILL NUMBERS

Chapter	Bill	Chapter	Bill	Chapter	Bill
1	HB 77	51	HB 364	101	HB 580
2	SB 11	52	HB 404	102	HB 35
3	SB 1	53	HB 491	103	HB 61
4	HB 32	54	HB 535	104	HB 114
5	HB 45	55	HB 570	105	HB 168
6	HB 91	56	HJR 3	106	HB 174
7	HB 93	57	SB 16	107	HB 211
8	HB 116	58	SB 26	108	HB 216
9	HB 117	59	SB 35	109	HB 413
10	HB 167	60	HB 464	110	HB 431
11	HB 188	61	HB 56	111	HB 504
12	HB 192	62	HB 58	112	HB 521
13	HB 195	63	HB 71	113	HB 555
14	HB 525	64	HB 92	114	HB 621
15	HB 363	65	HB 115	115	HB 629
16	HB 399	66	HB 142	116	HB 651
17	HB 410	67	HB 143	117	SB 122
18	HB 441	68	HB 144	118	HB 44
19	SB 15	69	HB 148	119	HB 178
20	SB 112	70	HB 196	120	HB 246
21	SB 127	71	HB 198	121	HB 284
22	HB 288	72	HB 251	122	SB 36
23	SB 18	73	HB 274	123	SB 96
24	SB 25	74	HB 277	124	SB 107
25	SB 29	75	HB 331	125	SB 147
26	SB 31	76	HB 386	126	SB 180
27	SB 43	77	HB 444	127	HB 132
28	SB 60	78	HB 503	128	HB 262
29	SB 85	79	HB 549	129	HB 317
30	SB 140	80	HB 558	130	HB 339
31	SB 174	81	HB 571	131	SB 81
32	HB 27	82	SB 62	132	HB 30
33	HB 46	83	SB 66	133	HB 31
34	HB 63	84	SB 102	134	HB 47
35	HB 69	85	SB 104	135	HB 149
36	HB 79	86	SB 173	136	HB 397
37	HB 80	87	HB 438	137	HB 419
38	HB 88	88	HB 609	138	HB 541
39	HB 95	89	HB 43	139	HB 544
40	HB 106	90	HB 55	140	HB 647
41	HB 111	91	HB 70	141	SB 20
42	HB 112	92	HB 86	142	SB 32
43	HB 170	93	HB 150	143	SB 38
44	HB 172	94	HB 155	144	SB 47
45	HB 185	95	HB 278	145	SB 111
46	HB 206	96	HB 298	146	SB 121
47	HB 229	97	HB 358	147	SB 128
48	HB 289	98	HB 401	148	SB 195
49	HB 333	99	HB 426	149	HB 90
50	HB 336	100	HB 488	150	HB 258

Chapter	Bill	Chapter	Bill	Chapter	Bill
151	HB 313	201	SB 170	251	SB 123
152	HB 532	202	SB 157	252	SB 161
153	HB 594	203	HB 109	253	HB 25
154	SB 105	204	HB 133	254	HB 26
155	SB 179	205	HB 329	255	HB 130
156	SB 54	206	HB 316	256	HB 131
157	HB 295	207	SB 125	257	HB 299
158	HB 461	208	HB 173	258	HB 337
159	HB 589	209	HB 191	259	HB 348
160	HB 291	210	HB 355	260	HB 483
161	HB 51	211	HB 650	261	HB 605
162	HB 52	212	SB 28	262	HB 622
163	HB 190	213	SB 93	263	HB 248
164	HB 205	214	SB 98	264	HB 601
165	HB 276	215	SB 144	265	SB 45
166	HB 322	216	SB 151	266	SB 148
167	HB 347	217	SB 64	267	SB 196
168	HB 381	218	SB 67	268	SB 88
169	HB 392	219	HB 82	269	SB 91
170	HB 398	220	HB 478	270	SB 57
171	HB 468	221	HB 511	271	HB 542
172	HB 565	222	HB 147	272	SB 198
173	HB 579	223	HB 1		
174	HB 585	224	HB 2		
175	SB 22	225	HB 187		
176	SB 30	226	HB 590		
177	SB 34	227	HB 623		
178	SB 37	228	SB 82		
179	SB 42	229	SB 146		
180	SB 56	230	HB 462		
181	SB 58	231	HB 390		
182	SB 86	232	HB 489		
183	SB 99	233	HB 490		
184	SB 100	234	SB 2		
185	SB 135	235	SB 51		
186	SB 139	236	SB 63		
187	SB 176	237	SB 97		
188	HB 74	238	SB 120		
189	HB 175	239	SB 166		
190	HB 409	240	SB 189		
191	HB 424	241	SB 12		
192	HB 487	242	SB 33		
193	HB 505	243	SB 50		
194	HB 642	244	SB 52		
195	SB 21	245	SB 53		
196	SB 65	246	SB 68		
197	SB 116	247	SB 70		
198	SB 156	248	SB 75		
199	SB 194	249	SB 89		
200	HB 635	250	SB 92		

